



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the CoE Group of Experts on
Action against Violence against Women and
Domestic Violence**

**Parallel Report for the Baseline Report in
Monitoring the United Kingdom**

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1.0 Introduction

1.1 This evidence is submitted to the CoE Group of Experts on Action against Violence against Women and Domestic Violence in respect of its monitoring of the United Kingdom (UK). It is submitted in a context where Northern Ireland (NI) has been without a fully functioning NI Executive and NI Assembly since February 2022. Between February and October 2022, the NI Ministers continued in a caretaking capacity. In October 2022, as experienced during the previous suspension, responsibility for managing devolved issues moved to the Head of the Civil Service and Departmental Permanent Secretaries.¹ Since February 2022, no new policies or legislation have been able to progress, and this will remain the case until the NI Executive and NI Assembly are reinstated. Currently, this arrangement can continue until 18 January 2024.²

2.0 Overview of Mandate and Statutory Functions

2.1 The Northern Ireland Human Rights Commission (NIHRC) is one of three A-status National Human Rights Institutions of the UK. In accordance with the Paris Principles and section 69(1) of the NI Act 1998, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within NI. In accordance with section 78A(1) of the NI Act, the NIHRC also monitors the UK Government's commitment under Article 2(1) of the Windsor Framework (Windsor Framework Article 2) to ensure there is no diminution of rights and safeguards protected in the relevant part of the Belfast (Good Friday) Agreement as a result of the UK withdrawal from the EU.³

2.2 The NIHRC became operational on 1 March 2000. Its governing legislation is the Northern Ireland Act 1998, as amended by the Justice and Security (NI) Act 2007 and the European Union (Withdrawal Agreement) Act 2020.

¹ NI (Executive Formation etc) Act 2019.

² Section 1(2)(b), NI (Executive Formation and Organ and Tissue Donation) Act 2023.

³ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

- 2.3 The NIHRC's primary role is to make sure government and public authorities protect, respect and fulfil the human rights of everyone in NI. We also help people understand what their human rights are and what they can do if their rights are not protected or are abused. To fulfil this statutory responsibility, we consider the full range of civil, political, social, economic and cultural rights. Its work is based on the international human rights treaties ratified by the UK Government, domestic legislation and other relevant standards.
- 2.4 The NIHRC's statutory functions in accordance with the NI Act 1998 are:
- keeping under review the adequacy and effectiveness in NI of law and practice relating to the protection of human rights;
 - monitoring the implementation of Windsor Framework Article 2;
 - reporting to the Secretary of State for NI and the NI Executive Office on the implementation of Windsor Framework Article 2;
 - advising the Secretary of State and the Northern Ireland Executive of legislative and other measures which ought to be taken to protect human rights and/or implement Windsor Framework Article 2—as soon as reasonably practicable after receipt of a general or specific request for advice; and on such other occasions as the NIHRC thinks appropriate;
 - advising the NI Assembly whether legislative Bills are compatible with human rights and/or Windsor Framework Article 2;
 - providing advice to the UK Government and Westminster Parliament on matters affecting human rights in NI;
 - conducting investigations on systemic human rights issues. To do so, we may enter places of detention, and can compel individuals and agencies to give oral testimony or to produce documents;
 - promoting understanding and awareness of the importance of human rights and/or Windsor Framework Article 2 in Northern Ireland. To do so, we may undertake or support research and educational activities;

- providing legal assistance to individuals and initiating strategic cases, including own motion legal challenges;
- taking judicial review proceedings in respect of an alleged breach (or potential future breach) of Windsor Framework Article 2 or intervening in legal proceedings concerning and alleged breach (or potential future breach) of Windsor Framework Article 2;
- monitoring the implementation of international human rights treaties and reporting to the United Nations and Council of Europe; and
- bringing any appropriate matters relevant to Windsor Framework Article 2 to the attention of the Specialised Committee on issues related to the implementation of the Windsor Framework established by the UK-EU Withdrawal Agreement.

2.5 The NIHRC welcomes the opportunity to provide this report on the UK Government and NI Executive’s compliance with its obligations under the Istanbul Convention in respect of GREVIO’s baseline report.

3.0 Purposes, Definitions, Equality and Non-Discrimination, General Obligations

Article 4 – Fundamental Rights, Equality and Non-discrimination

Single Equality Act

3.1 In NI, discrimination is prohibited across several pieces of legislation, resulting in a complex framework. Unlike other parts of the UK, there is no single legislative instrument to consolidate, clarify and enhance existing equality protections in NI.

3.2 In 2023, there is currently no plan to bring forward a Single Equality Act for NI.⁴

⁴ Email correspondence from the Executive Office to NI Human Rights Commission, 11 October 2022.

- 3.3 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to introduce a Single Equality Act for NI and provide the necessary support to secure the necessary political consensus to deliver this.**

Multiple intersectional discrimination

- 3.4 NI legislation does not provide for cases of intersectional multiple discrimination. At present in NI, each ground for discrimination must form its own case, meaning it must be considered and ruled on separately.⁵
- 3.5 In 2015, a commitment was made to review the Race Relations (NI) Order 1997, including considering intersectional multiple discrimination.⁶ In March 2023, the Executive Office published a consultation on the Review of the Race Relations (NI) Order.⁷ The consultation document does not mention intersectional multiple discrimination. The NIHRC responded to the Executive Office's consultation, recommending that NI legislation should provide for multiple intersectional discrimination.⁸
- 3.6 In 2020, an independent review of hate crime legislation in NI considered intersectionality, with the Independent Review Team recommending that any new hate crime legislation should provide appropriate recognition of the importance of intersectionality.⁹ It also recommended that intersectionality is reflected when considering statutory aggravations to existing offences.¹⁰ In 2022, the Department of Justice committed to considering how to implement the Independent Hate Crime Review's recommendations in a two-stage consultation process.¹¹ In 2022, stage one of the process was completed, which confirmed that the Department of Justice accepted that hate crime legislation should address intersectionality. The Commission supported this approach in its

⁵ Equality Commission for NI, 'Recommendations for Law Reform: Strengthening Protection Against Racial Discrimination' (ECNI, 2014), at 38. The Equality Act 2010 which applies in England, Scotland and Wales, contains a dual discrimination provision, which has not been brought into force.

⁶ Eoin Mullan, Sinead Brown and Paul Roddy, 'Racial Equality Legislation Review' (TEO, 2018).

⁷ The Executive Office, 'Review of the Race Relations (NI) Order 1997 Consultation Document' (TEO, 2023).

⁸ NI Human Rights Commission, 'Response to the Executive Office's Consultation on the Review of the Race Relations (NI) Order 1997' (NIHRC, 2023).

⁹ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 11.

¹⁰ Ibid.

¹¹ Department of Justice, 'Improving the Effectiveness of Hate Crime Legislation in NI: A Public Consultation and Call for Views' (DoJ, 2022).

consultation response.¹² However, if implemented, this will only address intersectionality in the specific context of hate crime. Furthermore, implementation is subject to a functioning NI Executive and NI Assembly.

3.7 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that intersectional multiple discrimination claims in NI are effectively addressed, including providing for intersectionality within equality legislation as required.

UK's withdrawal from the EU

3.8 In Article 2 of the Windsor Framework (previously the NI Protocol)¹³ to the UK-EU Withdrawal Agreement 2020, the UK Government committed to ensuring no diminution of rights, safeguards and equality of opportunity set out in the relevant chapter of the Belfast (Good Friday) Agreement 1998, as a result of the UK's withdrawal from the EU.¹⁴ This means that EU law, binding on the UK on 31 December 2020, which underpins a relevant right, safeguard or equality of opportunity protection, continues to set standards below which the law in NI must not fall. The UK Government has accepted that the EU Victims' Directive, the EU Pregnant Workers Directive and the EU Parental Leave Directive fall within scope of the non-diminution commitment.¹⁵ The NIHRC, alongside the Equality Commission NI, has identified further EU law falling within scope of this commitment, including the EU Trafficking Directive and the EU Child Sexual Exploitation Directive.¹⁶

3.9 In addition to the non-diminution commitment, there is an obligation to "keep pace" with six EU equality Directives listed in Annex 1 to the Windsor

¹² NI Human Rights Commission, 'Response to Public Consultation on Improving the Effectiveness of Hate Crime Legislation in NI' (NIHRC, 2022), at para 6.10.

¹³ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

¹⁴ Agreement on the Withdrawal of the United Kingdom of Great Britain and NI from the European Union and the European Atomic Energy Community 2020.

¹⁵ UK Government, 'UK Government Commitment to "No Diminution of Rights, Safeguards and Equality of Opportunity" in NI: What Does it Mean and How Will it be Implemented?' (UKGov, 2020), at para 13.

¹⁶ NI Human Rights Commission and Equality Commission NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/Northern Ireland Protocol' (NIHRC and ECNI, 2022); Directive 2011/36/EU, 'Directive of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims', 5 April 2011; Directive 2011/92/EU, 'Directive of the European Parliament and of the Council on Combatting the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, and Replacing Council Framework Decision 2004/68/JHA', 13 December 2011.

Framework.¹⁷ NI law must keep pace with changes made to improve the minimum standards of protection under these Directives on or after 1 January 2021. This includes changes deriving from caselaw.¹⁸ The Annex 1 EU Equality Directives include the Gender Goods and Services Directive,¹⁹ the EU Equal Treatment (Employment) Directive,²⁰ and the EU Self-Employment Equal Treatment Directive.²¹ These EU Directives contain equality provisions between men and women, including sexual harassment, and should standards improve at EU level, NI legislation must reflect these changes.²²

3.10 The Leader of the House of Commons advised that officials in the NI Office and Parliamentary Business and Legislation Secretariat were working on developing guidance in respect of Windsor Framework Article 2.²³ The UK Government also confirmed that officials were working on an explanatory memoranda “to consider mechanisms that could be put in place to ensure future Bills or Statutory Instruments being proposed by the UK Government do not diminish rights protected by Article 2”.²⁴ This guidance is not yet publicly available and there is not yet evidence that a consistent approach is being applied to consideration of Windsor Framework Article 2.

¹⁷ Directive 2000/43/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000; Directive 2000/78/EC, ‘EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation’, 27 November 2000; Directive 2004/113/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services’, 13 December 2004; Directive 2006/54/EC, ‘EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation’, 5 July 2006; Directive 2010/41/EU, ‘EU Parliament and EU Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity’, 7 July 2010; Directive 79/7/EEC, ‘EU Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security’, 19 December 1978.

¹⁸ Article 13(2) of the Windsor Framework to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the European Atomic Energy Community 2020.

¹⁹ Directive 2004/113/EC, ‘Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services’, 13 December 2004.

²⁰ Directive 2006/54/EC, ‘Directive of European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)’, 5 July 2006.

²¹ Directive 2010/41/EU, ‘Directive of the European Parliament and of the Council on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity’, 7 July 2010.

²² In December 2022, the European Commission published proposals on two Directives on standards for equality bodies. The NIHRC considers that the proposed Directives amend provisions of a number of the Annex 1 equality directives and it is therefore important that NI equality law is amended to keep pace with any changes to these equality directives, if the proposals are introduced; Proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC. Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

²³ Letter from Leader of the House of Commons, Penny Mordaunt MP, to Chair of the NI Affairs Committee, Simon Hoare MP, 5 December 2022.

²⁴ Letter from the Minister of State for NI to the NI Human Rights Commission and Equality Commission for NI, 1 December 2022.

- 3.11 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to consider and take into account the full range of equality and non-discrimination standards during the development and implementation of legislation and policy relating to victims and survivors of violence against women and girls and domestic abuse in NI, inclusive of its commitments under Article 2 of the Windsor Framework.**
- 3.12 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop and roll out training and guidance on Windsor Framework Article 2 across government departments and act promptly to ensure that guidance on policy and legislative development is updated to include consideration of Windsor Framework Article 2.**

Discrimination in the provision of goods and services

- 3.13 Discrimination based on age is prohibited regarding employment and vocational training,²⁵ however in domestic equality laws there remains no prohibition on discrimination in the provision of goods, facilities and services in NI based on age.²⁶ This can act as a barrier to accessing support for domestic abuse for both younger and older victims and survivors.²⁷
- 3.14 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that discrimination in the provision of goods, facilities and services based on age is prohibited in NI, this includes ensuring that the necessary legislative changes are promptly made.**

²⁵ Employment Equality (Age) Regulations (NI) (2006).

²⁶ This refers to non-discrimination, save where there is an objective justification.

²⁷ NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

Gender pay gap

- 3.15 In 2023, research found that, accounting for a range of individual, family or household and job characteristics, logged hourly earnings of women are 7.2 percent lower than men's earnings in NI.²⁸
- 3.16 The Employment Act (NI) 2016 creates reporting requirements and requires action plans to be adopted by certain employers and the Executive Office. Regulations are required to clarify which employers fall within scope of the reporting requirements. Mandatory reporting is not yet in place in NI, with progress delayed due to the suspension of the NI Executive and NI Assembly.
- 3.17 In May 2023, the EU adopted the Pay Transparency Directive which aims to strengthen pay transparency and eliminate gender-based pay discrimination, including by the introduction of gender pay gap reporting for certain employers.²⁹ The NIHRC and Equality Commission for NI are reviewing the extent to which this Directive will update the EU Gender Equality (Employment) Directive in Annex 1 of the Windsor Framework, with which NI law must keep pace.³⁰
- 3.18 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the gender pay gap and insecure, low paid employment of women in NI is effectively addressed and monitored. This includes ensuring that the provisions regarding mandatory pay gap reporting in the Employment Act (NI) 2016 are brought into effect in NI.**
- 3.19 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to commit to ensuring that, to the extent that the EU Pay Transparency Directive**

²⁸ In 2023, NI was recorded as the top performing UK region for women's employment outcomes, with a recorded gender pay gap of 5 percent. However, NI was also recorded as having the lowest female labour force participation rate. This suggests that while employment outcomes for women in NI are better than other parts of the UK, a lower proportion of working age women in NI are participating in the labour market to begin with. See Lisa Wilson and Ciara O'Gorman, 'How are We Unequal? The Adjusted Gender Pay Gap in NI' (NERI, 2023), at 51; Price Waterhouse Cooper, 'Women in Work Index 2023' (PWC, 2023), at 13.

²⁹ Directive 2023/970, 'Directive of the European Parliament and of the Council to Strengthen the Application of the Principle of Equal Pay for Equal Work or Work of Equal Value between Men and Women through Pay Transparency and Enforcement Mechanisms', 10 May 2023.

³⁰ Equality Commission NI, 'Speech to the Oireachtas on Post-Brexit Rights Divergence'. Available at: [ECNI - Speech to Oireachtas on post-Brexit rights divergence \(equalityni.org\)](https://www.equalityni.org/ECNI-Speech-to-Oireachtas-on-post-Brexit-rights-divergence)

amends or replaces the EU Gender Equality (Employment) Directive, the law in NI is amended to keep pace with these changes to ensure compliance with the Windsor Framework.

Accessible childcare

3.20 There remains no statutory duty in NI to provide adequate childcare provision. The Pre-School Education Programme for three- to four-year-olds in NI funds one year of non-compulsory education before a child starts primary school, however this early education initiative is more limited than the childcare schemes available elsewhere in the UK and Ireland.³¹ Lack of accessible childcare has a disproportionate effect on women in NI.³² Additionally, a lack of affordable childcare can act as a barrier to women in NI leaving domestic abuse situations.³³

3.21 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that childcare facilities and arrangements in NI are available, affordable and accessible.**

Cost of Living

3.22 In 2021/2022, 300,000 of people (16 per cent) were in relative poverty and 249,000 people (13 per cent) were in absolute poverty in NI.³⁴ In 2023/2024, cost of living support payments for individuals on means tested benefits have continued.³⁵ Despite these efforts, the need for warm banks has been emerging across NI and the use of foodbanks has been increasing.³⁶

³¹ UK Government, '15 hours Free Childcare for 3 and 4-year-olds'. Available at: <https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds>; Welsh Government, 'Childcare for 3 and 4 year olds'. Available at: <https://gov.wales/childcare-3-and-4-year-olds>; Scottish Government, 'Early Education and Care'. Available at: <https://www.gov.scot/policies/early-education-and-care/early-learning-and-childcare/>; Government of Ireland, 'Early Childhood Care and Education Programme'. Available at: <https://www.gov.ie/en/publication/2459ee-early-childhood-care-and-education-programme-ecce>

³² Department of Education, 'Review of Childcare Services in NI – Final Report' (DE, 2023), at 132-142.

³³ Women's Regional Consortium, 'Response to Domestic Abuse and Safe Leave Bill' (WRC, 2021), at 18.

³⁴ Department for Communities, 'NI Poverty and Income Inequality Report 2021/2022' (DfC, 2023).

³⁵ NI Direct, 'Cost of Living Payments'. Available at: <https://www.nidirect.gov.uk/articles/cost-living-payments>

³⁶ 'Urgent 'warm banks' demand', *The Irish News*, 18 October 2022; Richard Vernalls, 'More councils looking at 'warm banks' for residents amid rising energy bills', *Belfast Telegraph*, 30 August 2022; Sherie Ryder and Rozina Sini, 'Cost of living: 'We started up a warm bank'', *BBC News*, 20 October 2022; Trussell Trust, 'Emergency food parcel distribution in Northern Ireland: April 2022 – March 2023' (TT, 2023); Trussell Trust and Ipsos, 'Hunger in NI' (TT and Ipsos, 2023), at 26.

- 3.23 Research identifies that the rising cost of living was having a disproportionate effect on women in NI.³⁷ This is attributed to rising costs affecting low-income households, with women more likely to live in poverty across their lifetime.³⁸ Research also identifies that women can act as “shock absorbers” of poverty in the home, meaning they are more likely to go without essentials to protect other family members from the effects of poverty.³⁹
- 3.24 In 2015, the High Court of Justice ruled that the NI Executive had failed to adopt an identifiable strategy to tackle poverty in NI.⁴⁰ In 2020, the New Decade, New Approach Agreement renewed the commitment to developing an anti-poverty strategy for NI.⁴¹ In 2023, a draft anti-poverty strategy is ready for ministerial consideration, with a public consultation to follow.⁴² However, this cannot progress in the absence of a functioning NI Executive.⁴³
- 3.25 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to promptly develop, implement, monitor and adequately resource an anti-poverty strategy for NI, with a measurable action plan, that is guided by meaningful engagement with affected individuals and their representative organisations at every stage of the process.**

Child victims of domestic abuse

- 3.26 The Domestic Abuse and Civil Proceedings Act 2021 creates a new domestic abuse offence which captures patterns of psychological and emotional abuse. In its advice on the then Bill, the NIHRC recommended that this legislation should expressly ensure the best interests of the child are a primary consideration regarding a child’s involvement in any related court proceedings and evidence gathering, for example by making specific reference to the Barnahus approach.⁴⁴ This is not reflected in the 2021 Act.

³⁷ Women’s Support Network and Ulster University, ‘Women’s Experiences of the Cost-of-Living Crisis in NI’ (WSN and UU, 2023).

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ *Brian Gormally’s Application* [2015] NIQB 59.

⁴¹ NI Office, ‘New Decade, New Approach’ (NIO, 2020), at 9.

⁴² Equality Coalition, ‘Seminar on Progressing an Anti-Poverty Strategy in NI’, 28 June 2023.

⁴³ Email Correspondence from the Department for Communities and NI Human Rights Commission, 16 July 2023.

⁴⁴ NI Human Rights Commission, ‘Advice to the Department of Justice: Domestic Abuse and Family Proceedings Bill’ (NIHRC 2020); Oral Evidence of NI Human Rights Commission to the Committee for Justice, 2 July 2020.

- 3.27 In 2022/2023, there were eight homicides with a domestic motivation in NI, including one child.⁴⁵ In 2007/2008, the highest annual numbers were recorded with eleven homicides with a domestic motivation in NI, including six children.⁴⁶
- 3.28 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that appropriate measures are taken to ensure data on domestic abuse in NI includes child-related information that is comprehensive and disaggregated.**

Article 6 – Gender-sensitive Policies

Gender Equality Strategy

- 3.29 In 2020, the New Decade, New Approach Agreement committed the NI Executive to publish a new Gender Equality Strategy.⁴⁷ In early 2022, a public consultation on the Gender Equality Strategy was due to take place, but this process has been delayed. In 2023, the Gender Equality Strategy could not progress without a functioning NI Executive.⁴⁸
- 3.30 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to promptly publish and implement a robust, gender-sensitive Gender Equality Strategy, which takes a human rights-based approach in line with international human rights standards and Windsor Framework Article 2. This includes this strategy being accompanied by a measurable plan of action and effective monitoring mechanisms.**

Gender sensitive policies

- 3.31 The NI Executive has not committed to adopt gender sensitive approach in relevant policies. In 2023, the Department of Health NI and Department of Justice NI consulted on a draft domestic and sexual abuse strategy, which takes a gender-neutral approach.⁴⁹ In November 2022, the Department of

⁴⁵ Police Service of NI, 'Domestic Abuse Incidents and Crimes Recorded by the Police in NI' (PSNI, 2023), at Table 5.

⁴⁶ Ibid.

⁴⁷ NI Office, 'New Decade, New Approach' (NIO, 2020).

⁴⁸ Email correspondence from Department for Communities to NI Human Rights Commission, 21 July 2023.

⁴⁹ Department of Health and Department of Justice, 'Draft Domestic and Sexual Abuse Strategy: 2023-2030' (DoH and DoJ, 2023).

Justice NI consulted on its draft Modern Slavery and Human Trafficking Strategy, which also takes a gender-neutral approach.⁵⁰

3.32 In 2023, the Executive Office consulted on the draft Ending Violence Against Women and Girls Strategic Framework.⁵¹ The draft Strategic Framework takes a strong gender sensitive approach to tackling violence against women and girls, which the NIHRC welcomed.⁵² The draft Strategic Framework identifies that it will work across government Departments to tackle violence against women and girls.⁵³ It is unclear whether NI Departments are considering how the draft Strategic Framework can complement other strategies which take a gender-neutral approach.⁵⁴

3.33 The Ending Violence Against Women and Girls Strategic Framework remains in draft form. Consequently, NI continues to be the only area of the UK without a Violence Against Women and Girls Strategy.

3.34 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to explicitly adopt a gender-sensitive approach to tackle all forms of violence against women and girls in NI. This includes access to specialised, gender-sensitive, accessible support services.**

3.35 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all policies aimed at tackling violence against women and girls in NI complement and enhance each other.**

Paramilitarism

3.36 Paramilitary activity is having a particular effect on women within the affected communities in NI, who live in fear of such groups.⁵⁵ In practice, this intimidation (which can include threats to life) is preventing women who are victims of abuse from accessing justice. Research has identified

⁵⁰ Department of Justice, 'NI Draft Modern Slavery and Human Trafficking Strategy: Consultation' (DoJ, 2022).

⁵¹ The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023).

⁵² NI Human Rights Commission, 'Submission to the Executive Office's Consultation on the Ending Violence Against Women and Girls Strategic Framework' (NIHRC, 2023).

⁵³ The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023), at 11.

⁵⁴ NI Human Rights Commission, 'Submission to the Executive Office's Consultation on the Ending Violence Against Women and Girls Strategic Framework' (NIHRC, 2023).

⁵⁵ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

that the effect of paramilitarism on women's access to justice presents in two main respects.⁵⁶ First, affiliation with paramilitary groups provides a source of power to perpetrators, and second, paramilitary groups are seen to provide a more "rapid response" to domestic abuse for victims, by-passing the criminal justice system.⁵⁷

- 3.37 Paramilitarism has a particular negative effect on women experiencing violence and domestic abuse when trying to access services in NI. Research identifies issues around housing allocation relating to paramilitary intimidation, where if the perpetrator has a connection to a paramilitary organisation, the leadership will deny the intimidation.⁵⁸ The research further notes that, with most social housing estates being segregated and paramilitary-controlled, women can often be placed on housing lists for years awaiting safe accommodation.⁵⁹
- 3.38 Personal debt is higher in NI than other parts of the UK,⁶⁰ which raises concerns regarding debt vulnerability for individuals in receipt of social security, particularly women, who avail of social security more than men.⁶¹ In NI, this has an added dimension with paramilitary groups often operating as illegal lenders.⁶² The rising cost of living will likely increase exploitation.⁶³
- 3.39 Additionally, paramilitary intimidation can dissuade women and women's groups in NI from participating in public and political life, including peace initiatives.⁶⁴ The UK Government and NI Executive have been slow to address this. For example, the UK's National Action Plan on Women, Peace and Security, setting out its plan to deliver on commitments under Security Council Resolution 1325, does not make specific provision for NI despite its post-conflict status.⁶⁵

⁵⁶ Jessical Leigh Doyle and Monica McWilliams, 'Intimate Partner Violence in Conflict and Post-Conflict Settings' (Ulster University, 2018), at 57.

⁵⁷ Ibid.

⁵⁸ Women's Aid Federation NI, 'Hear Her Voice' (WAFNI, 2023), at 45.

⁵⁹ Ibid, at 19.

⁶⁰ Financial Conduct Authority, 'Financial Lives Survey 2017 (Updated 2020)' (FCA, 2020).

⁶¹ Women and Equalities Committee, 'Unequal Impact: Coronavirus and the Gendered Economic Impact' (WEC), at para 36.

⁶² Consortium for the Regional Support for Women in Disadvantaged and Rural Areas 'Women Living with Debt' (CRSWDRA, 2022); 'Spotlight: Paramilitary loan sharks targeting food bank users', *BBC News*, 13 December 2022.

⁶³ Consortium for the Regional Support for Women in Disadvantaged and Rural Areas 'Women Living with Debt' (CRSWDRA, 2022).

⁶⁴ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

⁶⁵ HM Government, 'UK National Action Plan on Women, Peace and Security 2018-2022' (UK Gov, 2018).

- 3.40 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure women’s participation in public and private life is proportionate to NI’s population.**
- 3.41 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to consider the specific gendered effect of paramilitarism in NI when implementing programmes to tackle the issue, particularly its effect on women and girls that are victims and survivors of violence and domestic abuse.**

4.0 Integrated Policies and Data Collection

Article 7 – Comprehensive and Coordinated Policies

Domestic and Sexual Violence and Abuse Strategy

- 4.1 In 2023, the Department of Health and Department of Justice consulted on a draft domestic and sexual abuse strategy.⁶⁶ As noted above, the draft strategy adopts a gender-neutral approach and does not clearly articulate targeted measures to address the disproportionate impact of domestic and sexual violence and abuse on women and girls. There is also no budget allocated for the implementation of the strategy. The NIHRC is concerned that the delivery of the finalised strategy will be subject to annual funding considerations.⁶⁷
- 4.2 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the final domestic and sexual violence and abuse strategy in NI explicitly adopts a gender-sensitive approach, including providing for specialised, gender-sensitive, accessible support for victims and survivors of domestic and sexual abuse. This includes the strategy recognising the structural and societal issues which result in domestic and sexual abuse disproportionately affecting women in NI and should include measures to address these issues.**

⁶⁶ Department of Health and Department of Justice, 'Draft Domestic and Sexual Abuse Strategy: 2023-2030' (DoH and DoJ, 2023).

⁶⁷ Ibid, at 35.

- 4.3 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the necessary resources are ring fenced for the development and effective implementation of the domestic and sexual violence and abuse strategy in NI. This includes ensuring that the resources allocated are long-term and have sufficient flexibility to address needs as and when they arise.**
- 4.4 The draft Domestic and Sexual Abuse Strategy includes “increased opportunities for victims’ voices to be heard and ensuring the strategy’s delivery is underpinned by intersectionality”.⁶⁸ As required by the Istanbul Convention and other human rights bodies, mechanisms should be in place that ensure victims can meaningfully engage with each stage from developing through to evaluating the implementation of the strategy.
- 4.5 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure due consideration and priority is given to the opinions and views of victims and survivors in NI and their representative organisations throughout implementation and evaluation of the domestic and sexual violence and abuse strategy in NI. This includes identifying and committing to mechanisms to effectively collate and ensure meaningful engagement with views expressed by victims and survivors and their representative organisations within the strategy.**
- 4.6 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to engage with individuals with lived experience in NI. This includes conducting such engagement with specialised support and in a sensitive and appropriate manner so as not to re-traumatise victims and survivors.**

⁶⁸ Ibid, at 23.

Ending Violence Against Women and Girls Strategic Framework

- 4.7 As noted above, in 2023, the Executive Office consulted on a strategic framework and action plan for ending violence against women and girls.⁶⁹ The proposed initiatives are welcomed, however there should be greater consideration of specific needs, disaggregated data and adequate funding.⁷⁰
- 4.8 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to make explicit provision in the Ending Violence Against Women and Girls Strategic Framework for women and girls in NI who are at an increased risk of violence or who face additional barriers to accessing justice, service provision and specialised support, including legal support. This includes ensuring that specialised services are consistently available and fully accessible in NI.**
- 4.9 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Ending Violence Against Women and Girls Strategic Framework provides for data collection in NI that is disaggregated, comprehensive and comparable.**
- 4.10 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to secure ring-fenced long-term funding that extends across the seven-year span of the Ending Violence Against Women and Girls Strategic Framework and that includes a contingency plan in the latter years of the Strategic Framework to ensure long-term initiatives in NI can continue effectively without resource constraints.**

Online and digital abuse and disinformation

- 4.11 GREVIO has noted that while violence against women and girls may be amplified or facilitated by technology, discourses around safety in technology and online are often not informed by a narrative of gender-

⁶⁹ The Executive Office, 'Strategic Framework to End Violence Against Women and Girls' (TEO, 2023).

⁷⁰ NI Human Rights Commission, 'Consultation Response to the Strategic Framework to End Violence Against Women and Girls' (NIHRC, 2023).

based violence against women.⁷¹ Research has further indicated that gendered disinformation is a distinct subset of online abuse and should be defined as such to allow social media platforms to develop appropriate responses.⁷²

- 4.12 There have been increasing reports of the use of cyber 'stalkerware', which are highly intrusive spy applications that monitor someone's activities and communications without their knowledge or consent.⁷³ Devices such as Apple AirTags have also been used as a tool for stalking.⁷⁴ In NI, while the Ending Violence Against Women and Girls Strategic Framework indicates measures to address online abuse, similar measures are not contained within the Domestic and Sexual Violence and Abuse Strategy. Neither strategy specifically addresses the issue of online gendered disinformation.
- 4.13 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that strategies aimed at addressing violence against women and girls in NI adopt a coordinated response to preventing online-based and technology-related violence, abuse and disinformation. This includes such measures being adaptable to take account of new developments.**

Article 8 – Financial Resources

NI budget

- 4.14 In April 2023, the Secretary of State for NI announced the 2023-2024 Budget for NI, which resulted in significant reductions across all NI Departments.⁷⁵ In the absence of a functioning Executive in NI, civil servants are required to implement a range of cuts.
- 4.15 Detail and clarity is lacking within consultations undertaken by NI Departments regarding the identification of specific mitigating actions to ensure that people's rights and equality will not be and are not being

⁷¹ GREVIO(2021)20, 'General Recommendation No 1: Digital Dimension of Violence Against Women' (GREVIO, 2021), at para 17.

⁷² Nina Jankowicz et al, 'Malign Creativity: How Gender Sex and Lies are Weaponised Against Women Online' (Wilson Centre, 2021), at 1.

⁷³ European Parliamentary Research Service, 'Combating Gender-based Violence: Cyber Violence' (EPRS, 2021).

⁷⁴ James Clayton and Jasmin Dyer, 'Apple AirTags - A perfect tool for stalking', *BBC News*, 20 January 2022.

⁷⁵ Department of Finance, 'Press Release: NI Secretary announces 2023-2024 Budget and contingency plans for governance', 27 April 2023.

harmed as a result of the allocations.⁷⁶ In accordance with cross-cutting human rights principles of transparency, participation and accountability, NI Departments should provide timely and accessible information on their budget allocations and potential human rights implications, both current and projected.

- 4.16 There is a lack of transparent consideration given to the cumulative human rights impacts of these budget cuts. Each NI Department appears to have formulated budgeting proposals and conducted impact assessments without reference to measures taken by other Departments. This approach risks missing opportunities for identifying cross-Departmental mitigation measures from the outset of the process and could risk exacerbating existing inequalities if decisions are made before such analysis.
- 4.17 Many of the proposed measures are likely to have a disproportionate impact on women and those facing multiple barriers. For example, the Executive Office has highlighted cuts to programmes to end violence against women and girls.⁷⁷ The Department of Health's cuts to the community voluntary sector through the Core Grant Funding Scheme further disproportionately impact women as organisations providing advice, support, and refuge to women experiencing domestic violence have had their funding cut.⁷⁸
- 4.18 Civil society organisations play an important role in connecting women and girls with statutory agencies. For example, it has been raised that older and ethnic minority women may face cultural and family barriers to accessing support and that civil society groups can act as an important intermediary.⁷⁹ Similarly, children and young people will often make an initial report of violence or abuse within a community youth setting, with statutory agencies being a secondary point of contact.⁸⁰ It is essential that this role is valued and adequately resourced.

⁷⁶ For example, the Department for Communities NI does not identify the differential impact of cuts and what specific mitigations have been taken to ensure that impact does not become adverse. See Department for Communities, 'Budget 2023-24 Equality Impact Assessment' (DfC, 2023).

⁷⁷ The Executive Office, 'Equality Impact Assessment: The Executive Office's Spending Plans for 2023-2024' (TEO, 2023), at 17 and 18.

⁷⁸ Liam Tunney, 'Women's Aid NI now only UK federation without government funding, says CEO', *Belfast Telegraph*, 29 September 2023.

⁷⁹ NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

⁸⁰ *Ibid.*

- 4.19 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the implementation of a human rights-based approach at all stages of the budgeting process in NI, including in the planning, formulating, executing and auditing of budgets.**
- 4.20 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that a comprehensive assessment of the cumulative impact of the 2023-2024 budget cuts in NI is conducted with a focus on the human rights of disadvantaged and marginalised individuals and groups.**
- 4.21 **The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that civil society organisations in NI, are appropriately resourced to ensure their long-term sustainability in the provision of services.**

Article 9 – Non-government Organisations and Civil

Society

Co-design process

- 4.22 There has been positive engagement with civil society organisations in the development of the Ending Violence Against Women and Girls Strategic Framework.⁸¹ However, civil society organisations have raised concerns that there has been a lack of meaningful engagement on several social inclusion strategies, including the gender equality strategy.⁸² Issues raised include that the input and expertise of these organisations is not reflected within the final strategies, weakening the strategies' potential effect.⁸³ Poor communication and a lack of cooperation from government officials have also been cited as key concerns.⁸⁴ In February 2023, a review of the co-design process took place and its findings have yet to be published.⁸⁵

⁸¹ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Department for Communities, 'Review of the Social Inclusion Strategies Co-design Process' (DfC, 2023).

- 4.23 Many proposed actions contained within the draft strategies aimed at addressing violence against women and girls in NI rely on cooperation with civil society organisations.⁸⁶
- 4.24 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the findings from the review of the co-design process adopted by the Department of Communities in NI are promptly published with key learning, actions identified and implemented.**
- 4.25 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to give due consideration and priority to the opinions and views of civil society organisations in NI in the development of relevant the development, implementation, monitoring and evaluation of the relevant policies.**
- 4.26 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the expertise of the victims, survivors, experts and representative organisations that it consults and engages with regarding violence and abuse of women and girls in NI, including that the input made is appropriately and sensitively reimbursed.**

Article 11 - Data Collection and Research

- 4.27 The UN CEDAW Committee has expressed concern regarding the lack of systematic collection of disaggregated data within the UK, including NI, in particular with regard to intersecting forms of discrimination against women.⁸⁷
- 4.28 Data collection is particularly sparse in NI. For example, UK data indicates that one in two disabled women experience domestic abuse in their lifetime⁸⁸ and that one in four of all lesbian and bisexual women have experienced domestic abuse.⁸⁹ However, no specific data is available for NI

⁸⁶ Department of Health and Department of Justice, 'Draft Domestic and Sexual Abuse Strategy: 2023-2030' (DoH and DoJ, 2023); The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023).

⁸⁷ 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 25.

⁸⁸ Women's Budget Group, 'Disabled Women and Austerity' (WBG, 2018), at 5.

⁸⁹ Department for Communities, 'Gender Equality Strategy Expert Advisory Panel Report' (DfC, 2021), at 139.

as data collected by the Police Service of NI on domestic abuse is not disaggregated by disability, sexual orientation or gender identity.⁹⁰ In order to meet the intersectional needs of different victim groups in NI, more robust data is required.

- 4.29 Additionally, it has been noted that there are challenges in tracking a victim's journey through the criminal justice process due to different data collecting systems between the Police Service of NI and the Public Prosecution Service.⁹¹
- 4.30 Civil society organisations have also raised concerns that the data that is available is not always effectively used to shape public policy or to inform the development of equality impact assessments.⁹²
- 4.31 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to adopt measures that improve the collection of disaggregated data on violence against women and domestic abuse. This includes collecting data in a way which reflects society in NI and enables comprehensive comparison with other parts of the UK.**

5.0 Prevention

Article 13 – Awareness-raising

Awareness raising amongst specific groups

- 5.1 The State's report advises that multimedia advertising campaigns took place between 2018 and 2023, to raise awareness of domestic abuse, highlight support services available and encourage reporting.⁹³ The NIHRC considers that further work is needed to raise awareness of violence against women and girls and domestic abuse among groups with specific

⁹⁰ NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

⁹¹ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

⁹² Ibid.

⁹³ UK Government, 'UK Response to GREVIO's Questionnaire on the Legislative and Other Measures Giving Effect to the Provisions of the CoE Convention on Preventing and Combatting Violence Against Women and Domestic Violence: June 2023' (UK Gov, 2023), at 34.

needs. This includes, but is not limited to, children,⁹⁴ D/deaf and disabled persons,⁹⁵ LGBTQIA+ persons,⁹⁶ older persons,⁹⁷ persons from national and ethnic minority backgrounds,⁹⁸ and persons living in rural communities.⁹⁹

- 5.2 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps, in partnership with representative groups, to ensure awareness raising campaigns are clear and accessible, particularly for groups that face additional barriers to accessing support. This includes ensuring that information is fully accessible, including that it is tailored to a range of communication requirements. For example, through the provision of language translations, large print, easy read and audio versions.**

Homes for Ukraine Scheme

- 5.3 In March 2022, the UK Government launched the Homes for Ukraine scheme in response to the escalated conflict in Ukraine.¹⁰⁰ The Scheme enables people in the UK to act as hosts for Ukrainian nationals and their families who have been granted three-year visas to stay in the UK. Any adult is able to act as a host, providing they pass eligibility checks conducted by the Home Office and local authorities.¹⁰¹ In February 2023, it was reported that 1,855 Ukrainians had arrived in NI under the Homes for Ukraine Scheme.¹⁰²

⁹⁴ Article 26(2) of the Victim's Directive highlights the importance of awareness raising amongst children. See 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.

⁹⁵ The UN CEDAW Committee has raised concerns that 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. See 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(b).

⁹⁶ Research found that the limited available research in Great Britain suggests that some LGBTQIA+ people experience domestic abuse at a higher rate than non LGBTQIA+ persons. See Safe Lives, 'Free to be Safe' (Safe Lives, 2018), at 9.

⁹⁷ Research found that more than one in three people in the UK do not believe that "acts of domestic violence directed towards an older person" count as abuse. See Hourglass, 'What Does Growing Old in the UK Look Like' (Hourglass, 2020), at 4.

⁹⁸ Women's Aid NI has highlighted that well as enduring abuse from the perpetrator, black, ethnic and minority women in NI can also be subjected to racial discrimination and marginalisation in society. This can undermine their ability to seek help and lead an independent life. See Women's Aid Federation, 'Violence Against Women Consultation with Victims, Survivors & Service Users 2017/2018' (Women's Aid NI, 2018), at 7.

⁹⁹ Women's Aid NI has highlighted that women are often isolated with few neighbours, and the sparsely populated areas in which they live limit their support options. See Women's Aid Federation NI, 'Hear Her Voice' (WAFNI, 2023), at 17.

¹⁰⁰ Department for Levelling Up, Housing and Communities, 'Press Release: 'Homes for Ukraine' scheme launches', 14 March 2022.

¹⁰¹ Department for Levelling Up, Housing and Communities, 'Becoming a Sponsor: Homes for Ukraine'. Available at: [Becoming a sponsor: Homes for Ukraine - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/becoming-a-sponsor-homes-for-ukraine)

¹⁰² Eimear Flanagan, 'War in Ukraine: More than 2,100 refugees came to NI', *BBC News*, 24 February 2023.

- 5.4 The majority of individuals arriving under the scheme are women and children and concerns have been raised at the lack of a gender-impact assessment in relation to the Scheme's delivery.¹⁰³ It has further been highlighted that, while safeguarding measures are in place, they may not be sufficiently robust to ensure the safety and freedom from exploitation of the Ukrainians involved, particularly women and children.¹⁰⁴
- 5.5 There are high rates of domestic abuse in Ukraine, which places women and girls on the Scheme at a higher risk of not reporting or not being able to report similar behaviour or exploitation in NI.¹⁰⁵ It has been reported that there has been an absence of specific awareness raising measures to address this.¹⁰⁶
- 5.6 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to review the application of the Homes for Ukraine scheme in NI to ensure that safeguarding measures are significantly robust and gender sensitive.**
- 5.7 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement and monitor awareness raising campaigns in NI that are linked to the Homes for Ukraine Scheme and aimed at increasing understanding of how to identify inappropriate, abusive or exploitive behaviour, how to report such behaviour and where to access support if experienced or witnessed such behaviour. This includes the campaigns giving particular consideration to women and children, being culturally sensitive and being tailored to the full range of communication requirements.**

¹⁰³ NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

¹⁰⁴ Ibid.

¹⁰⁵ Research has found that 67 per cent of Ukrainian women have experienced psychological, physical or sexual violence at the hands of a partner or non-partner since the age of 15. See Organisation for Security and Cooperation in Europe, 'Wellbeing and Safety of Women Ukraine Results Report' (OSCE, 2019), at iii.

¹⁰⁶ NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

Article 14 – Education

Relationships and sexuality education

- 5.8 In June 2023, the NIHRC published an investigation report into relationships and sexuality education in schools in NI.¹⁰⁷ It found that there are some positive examples of post-primary schools providing comprehensive and scientifically accurate relationships and sexuality education. However, in most NI schools this is not the case, where resources are not always considered to be comprehensive, pluralistic and objective.¹⁰⁸ In relation to gender inequalities the report found that “work should be done to ensure that school policies promote gender equity, address gender-based violence, stereotypes and misogyny; and avoid the promotion of sexual double standards around sexual practices, including shaming and victim blaming narratives”.¹⁰⁹
- 5.9 Following the NIHRC’s investigation, the UK Government introduced the Relationships and Sexuality Education (NI) (Amendment) Regulations 2023. These regulations amend the Education (NI) Order 2006, and the Education (Curriculum Minimum Content) Order (NI) 2007 to make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, a compulsory component of the curriculum.¹¹⁰
- 5.10 The Department of Education NI is required to issue guidance on the content and delivery of the education by 1 January 2024¹¹¹ and to publish a report on the implementation of relationships and sexuality education by September 2026.¹¹² The NIHRC is to be consulted during the development this report.¹¹³
- 5.11 Additionally, the Department of Education NI is required to make provision about the circumstances in which, at the request of a parent, a pupil may be excused from receiving relationships and sexuality education, or

¹⁰⁷ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post Primary Schools in NI: A Compelling Case for Reform’ (NIHRC, 2023).

¹⁰⁸ Ibid.

¹⁰⁹ Ibid, at 61.

¹¹⁰ Regulation 2(2), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023; Regulation 3, Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹¹¹ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹¹² Regulation 4(1), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹¹³ Regulation 4(2)(c), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

specified elements of that education.¹¹⁴ Several civil society organisations have raised concerns that such a provision may pose a safeguarding risk and prevent certain children from accessing critical information relating to their sexual and reproductive health.¹¹⁵ The NIHRC has also noted that the Education (Curriculum Minimum Content) Order (NI) 2007 does not identify which topics must be included in RSE in order to be considered “comprehensive”.¹¹⁶ There is therefore a risk that topics such as domestic and sexual violence or female genital mutilation will only be included at the discretion of individual schools in NI.

- 5.12 **The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that the guidance being developed by the Department of Education NI outlines the key elements that should be included within ‘comprehensive’ relationships and sexuality education in NI. This should be developed to achieve the aim of ensuring that all elements of comprehensive relationships and sexuality education are delivered within every post-primary school in NI.**
- 5.13 **The GREVIO Committee may wish to recommend that, through engagement with relevant stakeholders and experts, the UK Government and NI Executive take effective steps to develop, implement, evaluate and monitor guidance that ensures relationships and sexuality education programmes in NI are inclusive and meet the educational needs of all students. This includes, but is not limited to D/deaf and disabled students, ethnic minority students, and students with diverse gender and sexual identities.**
- 5.14 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement, monitor and evaluate a strategy to raise awareness of the benefits of holistic relationships and sexuality education, which also addresses myths or misconceptions related to the provision of**

¹¹⁴ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹¹⁵ Meeting between NI Human Rights Commission and civil society organisations, 25 July 2023.

¹¹⁶ Within Part 5 of the Minimum Content Order, in relation to Key Stage 3 Learning for Life and Work, the following are mentioned: Explore the implications of sexual maturation; Explore the emotional social and moral implications of early sexual activity. Within Part 6 of the Minimum Content Order, at Key Stage 4, under Learning for Life and Work, it states that pupils should be enabled to; develop their understanding of relationships and sexuality and the responsibilities of healthy relationships; develop an understanding of the roles and responsibilities of parenting. See Education (Curriculum Minimum Content) Order (NI) 2007.

relationships and sexuality education lessons in NI that may increase the likelihood of parental withdrawal.

- 5.15 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement, evaluate and monitor measures to mitigate against the adverse impact of children and young people being withdrawn from relationships and sexuality education lessons in NI. For example, requiring schools in NI to advise parents of the right of children and young to education and participation, developing guidance on when children and young people may decide to opt back into relationships and sexuality education lessons, and providing alternative educational arrangements for children and young people who have been withdrawn from relationships and sexuality education.**

Article 15 – Training of Professionals

- 5.16 Despite being a recurring requirement of human rights bodies,¹¹⁷ the draft Domestic and Sexual Violence and Abuse Strategy in NI does not include provision for the training for professionals and other employees, including for example health professionals, call handlers, receptionists and security guards and all of those who work across a victim’s journey within the criminal justice system.¹¹⁸
- 5.17 The State’s report highlights the number of Police Service of NI officers that have completed training on violence against women and girls related offences.¹¹⁹ However, concerns have been raised by several civil society organisations that e-learning modules may not adequately prepare staff for

¹¹⁷ The UN CEDAW Committee has advised that States should “provide mandatory, recurrent and effective capacity-building, education and training for members of the judiciary, lawyers and law enforcement officers other public officials is essential”. The EU Victims’ Directive requires States to “ensure appropriate training to identify victims and their specific needs is provided to police services, court staff, lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services”. See CEDAW/C/GC/35, ‘UN CEDAW Committee General Recommendation No 35: Gender-Based Violence Against Women, Updating General Recommendation No 19’, 14 July 2017, at para 30(e); Article 25 and 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.

¹¹⁸ Department of Health and Department of Justice, ‘Draft Domestic and Sexual Abuse Strategy: 2023-2030’ (DoH and DoJ, 2023).

¹¹⁹ UK Government, ‘UK Response to GREVIO’s Questionnaire on the Legislative and Other Measures Giving Effect to the Provisions of the CoE Convention on Preventing and Combatting Violence Against Women and Domestic Violence: June 2023’ (UK Gov, 2023), at 36.

the realities of supporting victims and survivors of domestic or sexual abuse.¹²⁰

- 5.18 UK data suggests that almost 60 per cent of women who are supervised in the community or in custody have experienced domestic abuse.¹²¹ Research by the Prison Reform Trust has also found that “there are strong links between women’s experience of domestic and sexual abuse and coercive relationships, and their offending”¹²² and that “the response of criminal justice agencies to women offenders affected by domestic abuse is key to breaking the cycle of victimisation and offending”.¹²³
- 5.19 Additionally, the Domestic and Sexual Violence and Abuse Strategy in NI does not include measures that address the co-existence of victimisation and offending.
- 5.20 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Domestic and Sexual Violence and Abuse Strategy in NI includes effective provisions for gender-sensitive training of all professionals across the course of the reporting, judicial and support journey of a victim of domestic and sexual abuse. This includes consideration of groups with specific needs, such as D/deaf and disabled persons, LGBTQIA+ persons, and persons of national or ethnic minority background. This training should also include a specific focus on the links between domestic abuse and offending.**

¹²⁰ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹²¹ Ministry of Justice, ‘Supporting Data Tables: Female Offender Strategy’ (MoJ, 2018).

¹²² Prison Reform Trust, ‘There’s a Reason We’re in Trouble: Domestic Abuse as a Driver to Women’s Offending’ (PRT, 2017), at 4.

¹²³ Ibid.

Article 17 – Participation of the Private Sector and the

Media

Workplace policies

5.21 Research has shown that domestic abuse often extends into the workplace.¹²⁴ In 2022, the Domestic Abuse (Safe Leave) Act received Royal Assent. The 2022 Act entitles employees in NI, who are victims of domestic abuse, the right to avail of up to ten days of paid leave a year. While the 2022 Act has not yet come into force, several civil society organisations in NI have reported that they have been contacted by several companies requesting support in developing their workplace policies.¹²⁵

5.22 In NI sexual harassment in the workplace is a significantly underreported issue.¹²⁶ When such harassment is reported, it may not be dealt with satisfactorily and has even been found to result in less favourable treatment for the victim.¹²⁷

5.23 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to adopt measures to support employers in NI to develop, implement, evaluate and monitor effective domestic abuse workplace policies and policies on workplace based sexual harassment and violence. This includes engaging with expert and representative organisations, with the input and expertise recognised and appropriately reimbursed.**

¹²⁴ Home Office, 'The Economic and Social Costs of Domestic Abuse' (HO, 2019).

¹²⁵ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹²⁶ Research has found that four in five respondents who have experienced sexual harassment did not report this to their employer. See Irish Congress of Trade Unions, 'Press Release: Irish Congress of Trade Unions Survey reveals shockingly high levels of under-reporting of sexual harassment at work' 25 November 2019.

¹²⁷ Research has found that three quarters of respondents who reported sexual harassment to their employer felt that it was not dealt with satisfactorily, half of whom reported that they were treated worse as a result. See Irish Congress of Trade Unions, 'Press Release: Irish Congress of Trade Unions survey reveals shockingly high levels of under-reporting of sexual harassment at work' 25 November 2019.

6.0 Protection and Support

Article 18 – General Obligations

Multi-Agency response to violence against women and girls

- 6.1 NI operates a Multi-Agency Risk Assessment Conference, which brings together a number of relevant agencies to look at cases of domestic abuse victims at particular risk of harm, with the view to reducing risks.¹²⁸ In 2019, the Criminal Justice Inspection NI produced a report identifying that the number of referrals into the Multi-Agency Risk Assessment Conference were below the recommended rate in NI.¹²⁹ The Criminal Justice Inspection NI recommended that the Police Service of NI and Multi-Agency Risk Assessment Conference Operational Board should develop an action plan to further develop multi-agency safeguarding arrangement for cases of domestic abuse in NI.¹³⁰ In 2021, the Criminal Justice Inspection NI produced a follow-up report to its 2019 inspection, noting that its recommendation on the Multi-Agency Risk Assessment Conference process had been partially achieved, but progress had been slow.¹³¹
- 6.2 It has been reported that it is not always clear whether a Multi-Agency Risk Assessment Conference review has been done when an individual victim of domestic abuse is referred into support services, which can impede recording of repeat victimisation.¹³² Research commissioned by the Commissioner for Older People for NI has identified that there is a gap in evidence to support the effectiveness of Multi-Agency Risk Assessment Conferences for older people.¹³³
- 6.3 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop an action plan to further develop the Multi-Agency Risk Assessment**

¹²⁸ Department of Justice, Department of Health and the Police Service of NI, 'NI Domestic Abuse Multi-Agency Risk Assessment Conference Multi-Agency Risk Assessment Conference: Working Together to Reduce the Risks for Domestic Abuse Victims at Risk of Serious Harm – Guidance for Professionals' (DoJ, DoH, PSNI, Date Unknown).

¹²⁹ Criminal Justice Inspectorate NI, 'No Excuse Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in NI' (CJINI, 2019).

¹³⁰ Ibid, at para 3.64.

¹³¹ Ibid, at 20.

¹³² NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹³³ Kevin Brown and Faith Gordon, 'Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Responses of the Criminal Justice System in NI' (COPNI, 2019), at 161.

Conference process in NI that is in line with the recommendation of the Criminal Justice Inspection NI, and does so in consultation with all relevant stakeholders.

- 6.4 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive, in consultation with older victims of domestic abuse and the organisations which represent them, take effective steps to review the effectiveness of Multi-Agency Risk Assessment Conferences for older people and address the findings.**

Article 19 - Information

- 6.5 It has been reported that that the reliance on digital tools to provide information can be inaccessible to older women.¹³⁴ It can also be inaccessible for women and girls in NI with reduced digital literacy or with limited or no access to internet or digital equipment.¹³⁵
- 6.6 Additionally, migrant women may not be fully aware of the laws and policies in place in NI to protect and prevent against violence against women and girls and domestic abuse.¹³⁶
- 6.7 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all information provided to victims and survivors of violence against women and girls and domestic abuse in NI is timely and accessible for the purpose of ensuring that everyone in NI is aware of and has access to protection from violence and abuse.**

Article 20 – General Support Services

Accessibility of services for vulnerable groups

- 6.8 Groups that are at particular risk can face additional barriers to accessing support for violence against women and girls and domestic abuse in NI.¹³⁷ Research has identified that many services for D/deaf and disabled people

¹³⁴ NI Human Rights Commission roundtable with public authorities on CoE Istanbul Convention, 25 September 2023.

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023), at 10.

experiencing domestic abuse in NI are inaccessible.¹³⁸ Additionally, D/deaf and disabled people in NI who have communication challenges may experience barriers in accessing helpline support.¹³⁹

- 6.9 Migrant women in NI with no recourse to public funds continue to face barriers to accessing support, including refuge support.¹⁴⁰ The Destitute Domestic Violence concession allows a person who has leave to remain in the UK as a spouse or partner, to apply for indefinite leave to remain where a relationship has broken down due to domestic abuse.¹⁴¹ The strict criteria required to access this concession means that not all migrant victims and survivors of domestic abuse in NI will be able to use this option to access support services.¹⁴²
- 6.10 LGBTQIA+ people can face additional barriers to accessing specialised support services for violence and abuse. For example, bisexual women in NI experience domestic abuse at a higher rate compared to lesbian women and gay men. However, affected bisexual women in NI are more likely to seek support through generic services, rather than specialised LGBTQIA+ services.¹⁴³ There is also a lack of data in NI on access to violence and abuse services for transgender people.
- 6.11 Rural women face specific barriers to accessing support services, including geographic, economic and social structures.¹⁴⁴ For example, women in rural areas in NI have limited support options, identifying issues with rural women often having to attend the same General Practitioner services as their perpetrator, making disclosures difficult.¹⁴⁵ Where rural women in NI are able to leave violent or abusive situations, many face long waiting lists for services.¹⁴⁶
- 6.12 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all women and girl victims and survivors of violence and abuse in**

¹³⁸ Nuala Toman et al, 'Progress Towards the Implementation of the UN Convention on the Rights of Persons with Disabilities in NI' (ECNI, 2022), at 166.

¹³⁹ Ibid, at 166.

¹⁴⁰ NI Human Rights Commission, 'The 2022 Annual Statement: Human Rights in NI' (NIHRC, 2022), at 103.

¹⁴¹ No Recourse to Public Funds Network, 'Immigration Options'. Available at: [Destitution Domestic Violence Concession | NRPf \(nrpfnetwork.org.uk\)](https://www.nrpfnetwork.org.uk)

¹⁴² NI Human Rights Commission roundtable with public authorities on CoE Istanbul Convention, 25 September 2023.

¹⁴³ SafeLives, 'Free to be Safe: LGBT+ People Experiencing Domestic Abuse' (SafeLives, 2018), at 35.

¹⁴⁴ Women's Aid Federation NI, 'Hear Her Voice' (WAFNI, 2023), at 17.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid, at 19.

NI can access effective, specialised services that are consistently available and fully accessible on an equal basis.

Access to healthcare

- 6.13 In 2021, the Department of Health introduced a pilot Identification and Referral to Improve Safety programme in NI, across several General Practices in Belfast and the Newry and Mourne area.¹⁴⁷ The Identification and Referral to Improve Safety programme is a collaboration between primary care and specialist third sector organisations.¹⁴⁸ In 2022, the Department of Health and Department of Justice in NI published a year seven action plan to implement the Stopping Domestic and Sexual Violence and Abuse in NI Strategy, which identified an intention to continue to develop the Identification and Referral to Improve Safety programme.¹⁴⁹
- 6.14 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to undertake and publish an evaluation on the pilot Identification and Referral to Improve Safety programme, with any findings implemented going forward.**
- 6.15 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that General Practice staff across NI undertake specialised training on domestic and sexual abuse and violence, including refresher training.**
- 6.16 Emergency healthcare and family planning services are available to everyone in NI irrespective of immigration status.¹⁵⁰ However, entitlements to healthcare in NI more generally is largely residency based.¹⁵¹ Consequently, there remain concerns over access to healthcare for non-resident groups, particularly individuals with specific needs.¹⁵²

¹⁴⁷ NI Executive, 'Press Release: General Practice pilot supports those experiencing domestic and sexual abuse', 3 December 2021.

¹⁴⁸ Ibid.

¹⁴⁹ Department of Justice and Department of Health, 'Stopping Domestic and Sexual Violence and Abuse in NI: Year 7 Action Plan 2022-2023' (DoJ and DoH, 2022).

¹⁵⁰ Regulation 4(1), Provision of Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015.

¹⁵¹ NI Human Rights Commission, 'Briefing Paper and Draft Recommendations on Brexit, Health and its Potential Impact on Article 2 of the Windsor Framework' (NIHRC, 2023).

¹⁵² Ibid.

6.17 Regardless of entitlement, there have been reports in NI of barriers to accessing healthcare for migrants, particularly when registering with General Practitioner services.¹⁵³ There has been an increase in cases post-Brexit where patients are charged for healthcare services, even where the patient is exempt under NI law.¹⁵⁴ Additionally, research has highlighted that instances in NI where EU migrants have been wrongly refused access to healthcare because their residency status under the EU Settlement Scheme has not been reflected in their online profile.¹⁵⁵ The research also showed that while migrant victims of violence and abuse already faced barriers to accessing support, confusion regarding rights entitlements arising out of the UK's withdrawal from the EU is creating further barriers.¹⁵⁶

6.18 The GREVIO Committee may wish to recommend the UK Government and NI Executive take effective steps to identify and minimise procedural barriers to migrant people in NI, regardless of immigration status. This includes introducing guidance for healthcare professionals on providing effective access, strengthening communication between General Practitioner services and health trusts and ensuring that patients are not wrongly charged for services.

Access to housing

6.19 In contrast to the position in England and Wales,¹⁵⁷ the Domestic Abuse and Family Proceedings Act (NI) 2021 makes no specific provision for housing for victims and survivors of domestic abuse in NI. Women's Aid NI noted that this omission ignores a fundamental issue faced by victims and survivors of domestic abuse in NI, in particular women.¹⁵⁸

6.20 Allocation for social housing in NI is assessed and points are awarded based on housing need, with the level of points awarded determining your position on the waiting list.¹⁵⁹ Under the current system, an applicant will

¹⁵³ Ibid.

¹⁵⁴ Ibid, at para 7.1.

¹⁵⁵ Pivotal, 'Impact of Brexit on Minority Ethnic and Migrant People in NI' (ECNI, 2023), at 17.

¹⁵⁶ Ibid.

¹⁵⁷ Section 79, Domestic Abuse Act 2021.

¹⁵⁸ NI Assembly Hansard, 'Health Committee: Health Committee Response to Call for Evidence from Committee for Justice on the Domestic Abuse and Family Proceedings Bill 2020', 28 May 2020.

¹⁵⁹ NI Housing Executive, 'The Housing Selection Scheme: Applying for Social Housing in NI' (NIHE, 2023).

receive 200 points if their home has been destroyed or seriously damaged or if the applicant cannot reasonably be expected to live in their home because of a serious and imminent risk that the applicant, or a member of the applicant's household, would be killed or seriously injured.¹⁶⁰ This criteria does not include victims of abuse or human trafficking.

- 6.21 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims and survivors of violence against women and girls and domestic abuse in NI who require it, have access to appropriate housing and accommodation in line with provision for other imminent risks. This includes addressing the disparity between NI other regions of the UK.**

Article 21 – Assistance in Individual and Collective

Complaints

- 6.22 The UK State report notes that, in NI, the Victim of Crime Charter sets out victims' entitlements to services from various service providers and how they should be treated.¹⁶¹ The Victim of Crime Charter entitles them to be informed by service providers about their complaint mechanisms.¹⁶²
- 6.23 In 2019, an independent report in the law and procedures in serious sexual offences in NI (the Gillen Review) was published.¹⁶³ The Gillen Review made several recommendations to improve mechanisms for complainants when reporting sexual abuse, including that the Department of Justice in NI "should set up a complainants' information service, including a helpline and website, to ensure better information and support. That service should offer a one-stop shop, enabling victims and survivors to submit complaints and feedback about their experience".¹⁶⁴

¹⁶⁰ Ibid.

¹⁶¹ Department of Justice, 'Victim Charter: A Charter for Victims of Crime' (DoJ, 2015).

¹⁶² UK Government, 'UK Response to GREVIO's Questionnaire on the Legislative and Other Measures Giving Effect to the Provisions of the CoE Convention on Preventing and Combatting Violence Against Women and Domestic Violence: June 2023' (UK Gov, 2023).

¹⁶³ Sir John Gillen, 'Report into the Law and Procedures in Serious Sexual Offences in NI: Recommendations' (Gillen Review, 2019).

¹⁶⁴ Ibid, at 14.

- 6.24 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to fully implement the recommendations from the Gillen Review on improving complainants' experience of reporting sexual assault in NI, including by enabling victims and survivors to submit complaints and feedback on their experience.**

Article 22 – Specialist Support Services

Funding

- 6.25 Funding challenges are common across civil society provided support services for victims and survivors of violence against women and girls in NI.¹⁶⁵ There has been an influx of legislation in NI intended to improve reporting of instances of violence against women and domestic abuse but there has not been adequate provision of additional resources to cope with higher demand for support services.¹⁶⁶ Furthermore, there have been funding cuts for specialised organisations that provide support for women and girls that have experienced violence and abuse in NI, which is affecting the ability of such organisations to fulfil their mandate and to respond effectively to demand for their services.¹⁶⁷
- 6.26 In 2021, the Procurement Policy Note on Human Rights was published.¹⁶⁸ There is no obvious monitoring mechanism for ensuring that the Procurement Policy is being consistently applied and that specialisms are taken into account when distributing funds, particularly regarding specialist support services for women and girls in NI.
- 6.27 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that adequate, long-term resources are guaranteed for the purpose of ensuring and enabling access to specialised support services for all victims and survivors of violence against women and girls and domestic and sexual abuse in NI. Furthermore, that any decisions on funding do not result in regression regarding specialised**

¹⁶⁵ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹⁶⁶ Ibid.

¹⁶⁷ Liam Tunney, 'Women's Aid NI now only UK federation without government funding, says CEO', *Belfast Telegraph*, 29 September 2023.

¹⁶⁸ Department of Finance, 'Procurement Policy Note PPN 05/21 Human Rights in Public Procurement' (DoF, 2021).

support and protection for women and girl victims and survivors of violence and abuse in NI.

- 6.28 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to monitor and ensure that a due diligence process in line with the Procurement Policy Note on Human Rights is adhered to when awarding contracts. This includes requiring external agencies to demonstrate compliance with human rights standards and, where relevant, their specialism.**

Support for victims of human trafficking

- 6.29 In 2022, the Department of Justice in NI published a consultation on its three-year strategy on Modern Slavery and Human Trafficking.¹⁶⁹ The NIHRC's response highlighted the importance of specialist support being made available to victims of modern slavery, appropriately tailored to take account of age, gender and culture, and the need to consider Windsor Framework Article 2 and the continued relevance of the EU Trafficking Directive within the strategy.¹⁷⁰
- 6.30 The Illegal Migration Act 2023 makes provision regarding modern slavery and human trafficking in respect of people who have entered the UK in breach of immigration control. This would deny victims of human trafficking who have arrived in the UK irregularly, access to support services, which may be incompliant with ECHR and Windsor Framework Article 2.
- 6.31 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all victims of modern slavery and human trafficking in NI are able to access specialist support services, appropriately tailored to take account of age, gender and culture, regardless of how they came to enter the UK.**

¹⁶⁹ Department of Justice, 'NI Draft Modern Slavery and Human Trafficking Strategy: Consultation' (DoJ, 2022).

¹⁷⁰ NI Human Rights Commission, 'Submission to the Department of Justice's Consultation on the Draft Modern Slavery and Human Trafficking Strategy' (NIHRC, 2023).

Article 23 – Shelters

Refuge accommodation

- 6.32 The NI Housing Executive, through its Supporting People programme provides funding for short term emergency accommodation for women and children in NI.¹⁷¹ In 2021/2022, 543 women and 397 children stayed in Women’s Aid refuges in NI.¹⁷² It has been reported that refuges across NI are consistently full, meaning women and children who require access may not immediately have a place.¹⁷³ Women’s Aid Federation NI has identified that it is having to provide “triage” for a growing number of women in NI while they wait for access to vital support services, including refuge.¹⁷⁴
- 6.33 There continues to be a shortage of social housing in NI,¹⁷⁵ which is increasing pressure on Women’s Aid to provide refuge for longer than required by women and their children because there is nowhere else for women to go when they are otherwise ready to leave refuge.¹⁷⁶
- 6.34 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that there is enough emergency refuge accommodation in NI to meet the needs of victims and survivors of violence against women and girls and domestic abuse, and that refuges in NI are appropriately funded to carry out their function on a long-term basis.**

¹⁷¹ UK Government, 'UK Response to GREVIO's Questionnaire on the Legislative and Other Measures Giving Effect to the Provisions of the CoE Convention on Preventing and Combatting Violence Against Women and Domestic Violence: June 2023' (UK Gov, 2023), at 29.

¹⁷² Women’s Aid Federation NI, 'Annual Report 2021/2022' (WAFNI, 2022).

¹⁷³ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹⁷⁴ Women’s Aid Federation NI, 'Annual Report 2021/2022' (WAFNI, 2022).

¹⁷⁵ Niamh Campbell, 'Housing shortages in NI: The causes, effects and potential solutions', *Belfast Telegraph*, 5 October 2023.

¹⁷⁶ Women’s Aid Federation NI, 'Call for Submissions by the UN Special Rapporteur on Violence against Women on COVID-19 and the Increase of Domestic Violence against Women' (WAFNI, 2020); NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

Article 25 – Support for Victims of Sexual Violence

- 6.35 NI has a government-funded Sexual Assault Referral Clinic based in Antrim Area Hospital.¹⁷⁷ This is the only specialised clinic in the whole of NI. There is also currently no government funded rape crisis service in NI.¹⁷⁸
- 6.36 Nexus NI provides a range of therapeutic interventions for victims and survivors of sexual assault and domestic abuse. However, in November 2023, Nexus NI ceased to take referrals for anyone under 16 years into their Children and Young People services due to waiting lists being at capacity.¹⁷⁹
- 6.37 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure current available specialist support for victims and survivors of sexual assault and violence in NI, including child victims, is effectively and regularly evaluated, with any identified issues addressed. This includes ensuring that these services are consistently available and readily accessible on a long-term basis for anyone in NI that needs them.**

Article 26 – Protection and Support for Child Witnesses

- 6.38 The Domestic Abuse and Civil Proceedings Act 2021 creates a new domestic abuse offence which captures patterns of psychological and emotional abuse.¹⁸⁰ In its advice on the then Bill, the NIHRC had recommended that this legislation should expressly ensure the best interests of the child are a primary consideration regarding a child's involvement in any related court proceedings and evidence gathering, for example by making specific reference to the Barnahus approach.¹⁸¹ This is not reflected in the 2021 Act.

¹⁷⁷ NI Health and Social Care Trust, 'The Rowan (Sexual Assault Referral Centre)'. Available at: [The Rowan \(Sexual Assault Referral Centre\) - Northern Health and Social Care Trust \(hscni.net\)](https://www.hscni.net/the-rowan-sexual-assault-referral-centre)

¹⁷⁸ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

¹⁷⁹ Nexus NI, 'What Support Does Nexus Offer?'. Available at: [Get Support - Nexus NI](https://www.nexusni.org.uk/get-support)

¹⁸⁰ Section 2, Domestic Abuse and Civil Proceedings Act (NI) 2021.

¹⁸¹ NI Human Rights Commission, 'Advice to the Department of Justice: Domestic Abuse and Family Proceedings Bill' (NIHRC 2020); Oral Evidence of NI Human Rights Commission to the Committee for Justice, 2 July 2020.

- 6.39 In 2023, the Department of Justice and Department of Health consulted on a draft Domestic and Sexual Abuse Strategy 2023-2030.¹⁸² The NIHRC noted in its response to the consultation, that Pillar 4 – Justice made no specific reference to child witnesses, and recommended that the best interests of the child should be of primary consideration in relation to any child’s involvement in court proceedings and that the Barnahus model was the preferred approach.¹⁸³
- 6.40 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the best interests of the child is a primary consideration in tackling domestic abuse in NI, for example, by including a requirement to adopt the Barnahus approach where relevant.**

7.0 Substantive Law

Article 29 – Civil Lawsuits and Remedies

- 7.1 Victims and survivors of violence against women and girls and abuse in NI can apply for non-molestation orders or occupation orders by providing a sufficient amount of evidence that an order is required.¹⁸⁴ There is no court fee to apply for an order, however, applicants may be required to pay a fee for a summons to be served and solicitors fees.¹⁸⁵ Given the ongoing effect of the cost of living in NI, costs associated with these orders may not be affordable for some victims and survivors.
- 7.2 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the costs associated with applying for non-molestation and occupation orders are affordable and that mitigations are in place as required to ensure that all victims of violence against women and girls and domestic abuse in NI can avail of such orders if required.**

¹⁸² Department of Health and Department of Justice, ‘Draft Domestic and Sexual Abuse Strategy 2023-2030’ (DoH and DoJ, 2023).

¹⁸³ NI Human Rights Commission, ‘Response to the Department of Health and Department of Justice’s Consultation on a Draft Domestic and Sexual Abuse Strategy’ (NIHRC, 2023), at para 6.13.

¹⁸⁴ Department of Justice, ‘Applying for a Non-molestation/Occupation Order’. Available at: [Applying for a Non Molestation / Occupation Order | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/molestation-occupation-order)

¹⁸⁵ Ibid.

Article 31 – Custody, Visiting Rights and Safety

- 7.3 It is reported that the family court system in NI is being manipulated by abusers to continue to abuse victims and survivors, including through child contact arrangements.¹⁸⁶ Research shows that continuous litigation through family courts in NI can be used to further perpetuate emotional and financial abuse, as women repeatedly have to pay legal fees to be represented in proceedings.¹⁸⁷
- 7.4 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the court process or child contact arrangements in NI are not being used to perpetrate domestic abuse. This includes conducting a review of Family Court procedures in NI with any identified issues addressed.**

Articles 32-48 – Criminalisation and Sanctioning

Legislative advancements

- 7.5 A new domestic abuse offence of coercive control, which captures patterns of psychological and emotional abuse was created under the Domestic Abuse and Civil Proceedings (NI) Act 2021.¹⁸⁸ The 2021 Act also provides for a statutory aggravator, where a charge relating to any offence other than the new domestic abuse offence, may be regarded as ‘aggravated’ by reason of involving domestic abuse, and result in an increased sentence if a conviction ensues.¹⁸⁹
- 7.6 The Protection from Stalking Act (NI) 2022 created a new specific offence for stalking in NI, which will apply to two or more occasions that cause a person to suffer fear, alarm or substantial distress.¹⁹⁰ A new offence of threatening or abusive behaviour has also been created which can be triggered by a single incident.¹⁹¹ Additionally, the Justice (Sexual Offences

¹⁸⁶ Women’s Aid Federation NI, ‘Hear Her Voice’ (WAFNI, 2023), at 43.

¹⁸⁷ Ibid.

¹⁸⁸ Section 2, Domestic Abuse and Civil Proceedings Act (NI) 2021.

¹⁸⁹ Section 15, Domestic Abuse and Civil Proceedings Act (NI) 2021.

¹⁹⁰ Section 1, Protection from Stalking Act (NI) 2022.

¹⁹¹ Section 2, Protection from Stalking Act (NI) 2022.

and Trafficking Victims) (NI) Act 2022 introduced a specific offence to ban “downblousing” and “upskirting” in NI.¹⁹²

- 7.7 In June 2023, the new stand-alone offence of non-fatal strangulation came into force.¹⁹³ The offence will apply to any case where intentional asphyxiation or strangulation occurs.¹⁹⁴ Where it results in serious harm, the fact that the victim consented in the context of a sexual act will not be a defence.¹⁹⁵
- 7.8 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure specialised training and capacity-building is provided on any new violence and abuse offences to all professionals in NI who may come in contact with a victim during their reporting, judicial and support journey, including across the criminal justice system, police and public officials.**

Child and early forced marriage

- 7.9 The Marriage (NI) Order 2003 permits the marriage of a child aged 16 or 17 years, with the consent of their parents or legal guardians or the courts. In 2022, 36 girls and 9 boys were married in NI.¹⁹⁶
- 7.10 In 2022, the NIHRC advised the Department of Finance in NI that international human rights standards consider child marriage to be a form of forced marriage.¹⁹⁷ The EU Victims’ Directive recognises forced marriage as a form of gender-based violence and therefore, Windsor Framework Article 2 was engaged.¹⁹⁸ The Department of Finance in NI published its consultation analysis report, revealing near unanimous support among respondents for increasing the minimum age for marriage and civil partnerships to 18 years.¹⁹⁹ The then Minister for Finance, Conor Murphy

¹⁹² Section 1, Justice (Sexual Offences and Trafficking Victims) (NI) Act 2022.

¹⁹³ Section 28, Justice (Sexual Offences and Trafficking Victims) Act (NI) 2022); Department of Justice, ‘Press Release: New non-fatal strangulation offence comes into force’, 26 June 2023.

¹⁹⁴ Section 28, Justice (Sexual Offences and Trafficking Victims) Act (NI) 2022.

¹⁹⁵ Ibid.

¹⁹⁶ Email correspondence from NI Statistics and Research Agency to NI Human Rights Commission, 21 June 2023.

¹⁹⁷ Recital 17, 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; NI Human Rights Commission, ‘Submission to Department of Finance Consultation on Marriage Law’ (NIHRC, 2022).

¹⁹⁸ Ibid.

¹⁹⁹ Department of Finance, ‘Marriage Law Consultation: Results and Analysis’ (DoF, 2022).

MLA, signalled his intention to prepare legislation to raise the minimum age for marriage to 18 years old.²⁰⁰

7.11 In 2023, necessary legislation cannot be progressed without a functioning NI Executive and Assembly.²⁰¹

7.12 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to expeditiously introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage to 18 years for all children in NI.**

7.13 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that cross-Departmental efforts to combat forced marriages in NI are strengthened, including by sensitising parents on the need for full and free consent of their child to marry.**

Female genital mutilation

7.14 Female genital mutilation is illegal in NI.²⁰² In 2014, the NI Executive published the Multi-Agency Practice Guidelines on female genital mutilation.²⁰³ There have been no prosecutions of FGM in NI. In 2019/2020, there were 25 incidences of female genital mutilation recorded in NI.²⁰⁴

7.15 The Female Genital Mutilation Protection Order (Relevant Third Party) Order (NI) 2021 enables Health and Social Care Trusts in NI to obtain a third-party protection order without the need to seek the leave of a court. These orders are intended to speed up the process of obtaining a protection order should a Health and Social Care Trust in NI have concerns about the safety of any girl or woman under its care.²⁰⁵

²⁰⁰ Department of Finance, 'Marriage Law: Written Ministerial Statement - Conor Murphy MLA - Minister of Finance' (DoF, 2022).

²⁰¹ Email correspondence from Department of Finance to the NI Human Rights Commission, 3 July 2023.

²⁰² Female Genital Mutilation Act 2003.

²⁰³ NI Executive, 'Multi-Agency Practice Guidelines: Female Genital Mutilation' (NIE, 2014).

²⁰⁴ Health and Social Care NI, 'NI Maternity Systems'. Available at: [Metadata \(hscni.net\)](https://hscni.net); The only way to identify and record cases of female genital mutilation in NI is through maternity appointments.

²⁰⁵ Email correspondence from the Department of Finance to the NI Human Rights Commission, 7 July 2023.

- 7.16 Section 116 of the Adoption and Children (NI) Act 2022, amends Article 8(4) of the Children (NI) Order 1995, so that proceedings for Female Genital Mutilation Protection Orders will be classified as family proceedings. Beginning in 2022/2023, the 2022 Act will be implemented on a phased basis over five years. In 2023/2024, it is intended that section 116 of the 2022 Act will be commenced.²⁰⁶
- 7.17 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to investigate and prosecute perpetrators of female genital mutilation in NI. This includes implementing a prevention strategy and action plan, which includes increasing efforts to raise awareness, particularly within affected communities, that female genital mutilation is a form of both child abuse and gender-based violence against women and girls. It also includes ensuring specialised support is available and accessible to victims of female genital mutilation in NI.**
- 7.18 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to improve the way in which data on the prevalence of female genital mutilation in NI is gathered and monitored to ensure that every case of female genital mutilation in NI can be captured and addressed, including that such data is comprehensively disaggregated.**

Equal protection for children

- 7.19 NI legislation continues to allow for a defence of reasonable punishment of children through the Law Reform (Miscellaneous Provisions) (NI) Order 2006.²⁰⁷ There are no statistics on the number of cases where the defence of reasonable chastisement has been used in NI.²⁰⁸
- 7.20 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to repeal the defence of reasonable chastisement of children in NI and to develop and implement a strategy that effectively promotes positive and non-violent forms of discipline in NI.**

²⁰⁶ Email correspondence from the Department of Health to the NI Human Rights Commission, 3 July 2023.

²⁰⁷ Section 2, Law Reform (Miscellaneous Provisions) (NI) Order 2006.

²⁰⁸ Meeting between Department of Justice and NI Human Rights Commission, 29 November 2018.

Hate crime

7.21 In 2021, the Independent Hate Crime Review Team published its report on improving hate crime legislation in NI.²⁰⁹ In 2022, the Department of Justice in NI put in place a dedicated Hate Crime Branch to take forward the Independent Review's recommendations in a two-stage consultation process.²¹⁰ The Department consulted on the first stage of the process, focusing on statutory aggravators, including the possibility of including misogyny and transmisogyny in Hate Crime law. The NIHRC responded to the consultation process, highlighting that a gender-sensitive approach should be taken to addressing gender-based violence.²¹¹

7.22 In 2023, work continues on drafting a Hate Crime Bill and final policy positions, however implementation is not possible without a functioning NI Executive and NI Assembly.²¹²

7.23 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to include gender as a protected characteristic within hate crime legislation in NI. This should adopt a gender-sensitive approach and provide for intersectionality across the full range of protected characteristics.**

7.24 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to include misogyny and transmisogyny as aggravating factors in hate crime legislation in NI.**

UK Government reservations

7.25 The UK Government has entered a reservation to provisions laid down under Article 44(4) of the Istanbul Convention in respect of offences concerning sexual violence, including rape when committed by a person who has his or her habitual residence in the UK, but is not a UK national.²¹³

²⁰⁹ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: An Independent Review - Consultation Paper' (IHCRT, 2020).

²¹⁰ Department of Justice, 'Improving the Effectiveness of Hate Crime Legislation in NI: A Public Consultation and Call for Views' (DoJ, 2022).

²¹¹ NI Human Rights Commission, 'NIHRC Consultation Response to Improving Hate Crime Legislation in NI' (NIHRC, 2022).

²¹² Email correspondence from Department of Justice NI to NI Human Rights Commission, 20 June 2023.

²¹³ Article 36, CoE Convention on the Preventing and Combating Violence Against Women and Domestic Violence 2011.

Also in respect of forced abortion and forced sterilisation.²¹⁴ The UK Government's reservation regarding Article 59 of the Istanbul Convention is dealt with below.²¹⁵

- 7.26 **The GREVIO Committee may wish to recommend that the UK Government withdraws its reservation to Article 44(4) of the Istanbul Convention, in respect of offences committed under Articles 36 and 39 of the Istanbul Convention.**

8.0 Investigation, Prosecution, Procedural Law and Protective Measures

Article 49 General Obligations

Historical abuse

- 8.1 In 2020, the Historical Institutional Abuse Redress Board was established for the purposes of receiving and processing applications for compensation from those who experienced abuse in residential institutions in NI between 1922 and 1995.²¹⁶ However, the Redress Board's remit did not extend to adult residents of Magdalene laundry type institutions.
- 8.2 In 2023, draft legislation for the purposes of introducing a statutory public inquiry on Mother and Baby and Magdalene Laundry Institutions was being developed, with a public consultation expected in due course.²¹⁷ However, the legislation cannot progress without a functioning NI Executive and NI Assembly.
- 8.3 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims and survivors of historical abuse outside the remit of the Historical Institutional Abuse Inquiry have an effective remedy in NI, including expedient access to thorough and effective**

²¹⁴ Article 39, CoE Convention on the Preventing and Combating Violence Against Women and Domestic Violence 2011.

²¹⁵ See Section 9.0.

²¹⁶ Historical Institutional Abuse Inquiry, 'Terms of Reference'. Available at [Terms of Reference | Historical institutional Abuse Inquiry \(hiainquiry.org\)](https://hiainquiry.org/terms-of-reference)

²¹⁷ The Executive Office, 'Press Release: Appointment of Truth Recovery Independent Panel', 27 April 2023; Email correspondence from The Executive Office to the NI Human Rights Commission, 9 August 2023.

independent investigations that offer effective redress (including compensation) and are subject to public scrutiny and meaningful victim participation.

Abuse in health and social care settings

- 8.4 In 2021, the Department of Health published an analysis report and final policy proposals for an Adult Protection Bill in NI.²¹⁸ This followed the disclosure of the abuse of D/deaf and disabled people in health and social care settings in NI.²¹⁹ In 2023, drafting of the Adult Protection Bill continued,²²⁰ but it cannot progress without a functioning NI Executive and NI Assembly.
- 8.5 In 2022, the Muckamore Abbey Hospital Inquiry commenced.²²¹ In February 2023, the Chair of the Inquiry advised that “it is unlikely that all of that evidence will finish before the end of 2023, and it is probable that some evidence will need to be called in the early part of 2024”.²²² By June 2023, the total number of people arrested in connection with the investigation into Muckamore Abbey was 38.²²³
- 8.6 In January 2023, the Department of Health launched a public consultation on the proposed closure of Muckamore Abbey Hospital.²²⁴ The NIHRC welcomed the proposal and highlighted that obligations under the UN Convention on the Rights of Persons with Disabilities should guide the transition to community-based support services.²²⁵
- 8.7 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive, in line with the rest of the UK, take effective steps to promptly introduce a freestanding offence in NI where an individual, who has the care of another individual by virtue of being a care worker, ill-treats or wilfully neglects that individual.**

²¹⁸ Department of Health, ‘Adult Protection Bill – Draft Final Policy Proposals for Ministerial Consideration’ (DoH, 2021).

²¹⁹ Seanín Graham, ‘Dunmurry Manor scandal: Devastating report reveals human rights abuses’, *Irish News*, 14 June 2018; Seanín Graham, ‘Muckamore Abbey Hospital: 1,500 crimes identified in just one ward’, *Irish News*, 27 August 2019.

²²⁰ NI Assembly Hansard, ‘Written Question: Adult Safeguarding – Gerry Carroll MLA – AQW27105/17-22’, 15 December 2021.

²²¹ Muckamore Abbey Hospital Inquiry, ‘Hearings’. Available at: <https://www.mahinquiry.org.uk/hearings>

²²² Muckamore Abbey Hospital Inquiry, ‘Chair’s Statement as to the Evidence Plan for 2023 – Issued on 13 February 2023’ (MAHI, 2023).

²²³ Paul Ainsworth, ‘38th arrest made in Muckamore Abbey Hospital probe’, *The Irish News*, 15 June 2023.

²²⁴ Department of Health, ‘Proposed closure of Muckamore Abbey Hospital – Consultation Document’ (DoH, 2022).

²²⁵ Letter from NI Human Rights Commission to Department of Health, 23 January 2023.

- 8.8 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that findings from investigations into abuse in health and social care settings in NI are addressed immediately and fully remedied.**
- 8.9 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that effective complaints mechanisms relating to health and social care settings are in place in NI. This includes that these complaints mechanisms are fully accessible and monitored to ensure that any identified breaches do not recur in the future.**

Avoidable delay

- 8.10 The Gillen Review found that the criminal justice system in NI takes twice as long as the system in England and Wales, from the beginning to the end of the process. The greatest delays in NI occur in adult rape cases and in sexual offences involving children.²²⁶ The Criminal Justice Inspection NI has also noted that delays “increase the likelihood that the victim withdraws support for the prosecution case”.²²⁷
- 8.11 In 2020, the New Decade, New Approach Agreement committed the NI Executive to implementing the Criminal Justice Inspection NI and Gillen review recommendations on avoidable delay.²²⁸ It has been slow progress,²²⁹ with reports indicating that several sexual offence cases have taken more than five years to come before a court.²³⁰
- 8.12 **The GREVIO Committee may wish to recommend the UK Government and NI Executive take effective steps to promptly and fully implement the Criminal Justice Inspection NI and Gillen Review’s recommendations aimed at tackling undue delay within the criminal justice system in NI.**

²²⁶ Sir John Gillen, 'Report into the Law and Procedures in Serious Sexual Offences in NI' (DoJ, 2019), at 17.

²²⁷ Criminal Justice Inspection NI, 'No Excuse: Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in NI' (CJINI, 2019), at 10.

²²⁸ NI Office, 'New Decade, New Approach' (NIO, 2020), at 7-8.

²²⁹ Andrew Madden, 'Only a third of recommendations outlined in 2019's Gillen Review Report on sex offences have been fully implemented', *Belfast Telegraph*, 24 June 2022.

²³⁰ Teresa Craig, 'Sexual offences: Dozens of cases have faced five-year court wait', *BBC News*, 21 June 2022.

File quality disclosure and case progression

8.13 In 2023, the Criminal Justice Inspection NI published an inspection report of file quality, disclosure and case progression within the Police Service of NI and Public Prosecution Service NI.²³¹ The report revealed that the quality of criminal case files being prepared in NI was poor.²³² Regarding the Police Service of NI, 54 per cent of Crown Court files and 44 per cent of Magistrates' Court files did not meet or only partially met the file build standards.²³³ Concerning the Public Prosecution Service for NI, 54 per cent of Crown Court files and 41 per cent of Magistrates' Court files did not meet or only partially met the required standard.²³⁴

8.14 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all file quality, disclosure and case progression within the Police Service of NI and Public Prosecution Service for NI are of a minimum standard that adheres to a human rights based approach.**

Article 50 – Immediate Response, Prevention and

Protection

Breach of Non-molestation Order

8.15 A Non-molestation Order is an order that a judge in NI can grant to stop or prevent a person from abusing, harassing, pestering, using or threatening to use violence against another person.²³⁵ The court also has the power to attach an "exclusion zone" to the order which means that an alleged perpetrator in NI can be excluded from certain places such as the street or area in which the victim lives.²³⁶

8.16 Breach of a Non-molestation Order is a criminal offence, however, several civil society organisations in NI have highlighted examples of the Police

²³¹ Criminal Justice Inspection NI, 'File Quality, Disclosure and Case Progression and trial recovery from the COVID-19 pandemic' (CJINI, 2023).

²³² Ibid, at 6.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Belfast Domestic & Sexual Violence Partnership, 'Domestic Violence and Abuse: Legal Remedies' (BDSVP, 2019), at 4.

²³⁶ Ibid.

Service of NI failing to take action when a victim reports that a Non-molestation Order has been breached.²³⁷

- 8.17 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the enforcement of Non-molestation Orders in NI are reviewed and any identified issues addressed. This includes ensuring that the review is conducted in partnership with victims and survivors and their representative organisations in NI.**

Article 53 – Restraining or Protection Orders

Domestic Abuse Protection Orders

- 8.18 In February 2021, the Department of Justice NI consulted on the introduction of Domestic Abuse Protection Order and Notices.²³⁸ However, these orders have yet to be implemented.
- 8.19 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure there is immediate protection to victims and survivors of all forms of domestic abuse in NI. This includes promptly introducing Domestic Abuse Protection Orders and Notices in NI, ensuring that these are fully accessible across the criminal justice system.**

Article 54 – Investigations and Evidence

- 8.20 Despite there being legislation in NI that restrains cross-examination on previous sexual history,²³⁹ research found examples of previous sexual history being used in NI to reinforce the rape myth that if you have been in a relationship with someone you are unlikely to have been raped by them.²⁴⁰ The research identified the use of rape myths in 13 out of the 14

²³⁷ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

²³⁸ Department of Justice, 'Consultation on Enhancing Legal Protections for Victims of Domestic Abuse' (DoJ 2021).

²³⁹ Article 28 of The Criminal Evidence (Northern Ireland) Order 1999 provides restrictions on evidence or questions on the complainant's sexual history in proceedings for sexual offences. Courts may now grant leave to introduce evidence of sexual behaviour only if one of a number of criteria is met and the court is satisfied that if the previous evidence was not heard, an unsafe decision could be made.

²⁴⁰ Victim Support NI, 'Bearing Witness: Report of The NI Court Observer Panel 2018-2019' (VSNI, 2021), at 31.

trials that were observed and had reached a stage where rape myths might have been used and identified.²⁴¹

- 8.21 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Gillen Review recommendations relating to sexual history and rape myths in NI are implemented, regularly monitored and evaluated, with any identified issues addressed.**

Article 56 – Measures of Protection

Prisoner Release Victim Information Scheme

- 8.22 The Prisoner Release Victim Information Scheme in NI gives victims and survivors the opportunity to provide and receive information about the prisoners who have been convicted of a crime against them.²⁴² The Information Scheme currently operates on an “opt-in” basis, which requires victims and survivors to submit an application form to register.²⁴³

- 8.23 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the effectiveness of the Prisoner Release Victim Information in NI is regularly reviewed and any identified issues addressed. This includes giving consideration to automatically enrolling victims, with an option to “opt-out”.**

Domestic Abuse Disclosure Scheme

- 8.24 The Domestic Abuse Disclosure Scheme in NI is designed to allow people access to their new partner’s history with regards to Domestic Abuse and related crimes, or to allow individuals close to them to enquire on their behalf.²⁴⁴
- 8.25 Several civil society organisations in NI have raised concerns that the scheme relies on the accuracy of information held by the Police Service of NI and could therefore lead to a false sense of security where an applicant

²⁴¹ Victim Support NI, ‘Bearing Witness: Report of The NI Court Observer Panel 2018-2019’ (VSNI, 2021), at 13.

²⁴² NI Direct, ‘Victim Information Schemes’. Available at: [Victim information schemes | nidirect](#)

²⁴³ Ibid.

²⁴⁴ NI Direct, ‘Checking for a Person’s History of Abuse’. Available at: [Checking for a person's history of abuse | nidirect](#)

is told there is no recorded history of violence.²⁴⁵ Further, there is no requirement for follow up action when someone receives a disclosure in NI, making it difficult to assess whether the scheme has been effective.²⁴⁶ In addition, if the perpetrator is made aware of the disclosure there is the potential that this could increase the risk of violence.²⁴⁷

8.26 Research has found that almost half of respondents in NI were unaware of the Domestic Abuse Disclosure Scheme.²⁴⁸ 100 per cent of respondents in NI who were aware of the Disclosure Scheme found it unhelpful.²⁴⁹ For example, the process was found to be lengthy, there were occurrences where information was not provided, or there were situations where individuals were not eligible to receive information under the Disclosure Scheme because the relationship had ended.²⁵⁰

8.27 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to review the Domestic Abuse Disclosure Scheme in NI and that any findings are addressed. This includes conducting the review in partnership with victims and survivors and their representative organisations in NI.

Special measures

8.28 Research has highlighted the challenges within the family and civil court in supporting victims and survivors of domestic and sexual violence and abuse in NI.²⁵¹

8.29 Since 2011, all domestic abuse cases in the Derry/Londonderry courts jurisdiction are heard on specifically assigned days and by the same judge.²⁵² This scheme continues in Derry/Londonderry, but has not been rolled out across NI.

8.30 In September 2023, the Department of Justice introduced a Belfast Remote Evidence Centre.²⁵³ Drawing from the Gillen Review's

²⁴⁵ Women's Policy Group NI, 'Protection from Stalking Bill: Joint Evidence Submission' (WPG, 2021), at 38.

²⁴⁶ Ibid.

²⁴⁷ Ibid, at 39.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Women's Aid Federation NI, 'Hear Her Voice' (WAFNI, 2021), at 39.

²⁵² Department of Justice, 'Press Release: Ford welcomes measures to support victims of domestic violence', 16 March 2016.

²⁵³ Department of Justice, 'Press Release: Official opening of Belfast Remote Evidence Centre', 28 September 2023.

recommendations, this aims to ensure that certain witnesses will not meet defendants within a court building.²⁵⁴ It provides a space for witnesses to give evidence via video link and to have direct access to support from Victims Support and the Young Witness Service.²⁵⁵

- 8.31 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that, in circumstances where an abuser is also party to proceedings, special measures are extended to domestic and sexual violence and abuse victims and survivors in the family and civil court setting in NI.**
- 8.32 **The GREVIO Committee may wish to recommend that, in partnership with victims, survivors and representative organisations, the UK Government and NI Executive take effective steps to ensure that consideration is given to developing a dedicated domestic abuse system within courts in NI. At minimum, this includes rolling out across NI the approach to listings of domestic violence and abuse cases taken in Derry/Londonderry with ring-fenced, long-term funding.**
- 8.33 **The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that the implementation of the remote evidence centre in Belfast is regularly monitored and evaluated and that any identified issues are addressed. Care should be taken to ensure any utilised new technologies do not inadvertently hinder access to justice for individuals with specific needs. Consideration should also be given to introducing remote evidence centres across NI that are provided with ring-fenced, long-term funding.**

Article 57 – Legal Aid

- 8.34 In February 2022, the Domestic Abuse and Civil Proceedings Act (NI) 2021 came into force, which creates a discretionary power for the Legal Services Agency to waive the financial eligibility test in private family law cases in circumstances where the applicant has been the victim of a domestic

²⁵⁴ Department of Justice, 'Press Release: Official opening of Belfast Remote Evidence Centre', 28 September 2023.

²⁵⁵ Ibid.

abuse offence.²⁵⁶ In 2022/2023, of 67 applications from the waiver, only 14 waivers were issued fully in NI.²⁵⁷ In 20 of these applications, the applicants were ineligible as they were not respondents and others were eligible for other assistance options.²⁵⁸

8.35 In November 2023, more than 200 barristers in NI took part in strike action in a dispute over legal aid fees and delays in payments.²⁵⁹ Concerns have been raised that any strike action or a reduction in the number of barristers willing to take on legal aid cases may disproportionately affect women and create barriers to justice for victims and survivors of domestic violence in NI.²⁶⁰ In October 2023, the Department of Justice NI launched a review of legal aid in NI.²⁶¹

8.36 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure measures are developed, implemented and monitored for the purpose of ensuring that victims and survivors of domestic abuse in NI are aware of their right to legal aid in private family law cases. This includes ensuring that information is fully accessible, including that it is tailored to a range of communication requirements. For example, through the provision of language translations, large print, easy read and audio versions.**

8.37 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the provision of legal aid in NI continues and is available to individuals that need it to ensure their access to justice, with particular consideration of victims of domestic abuse.**

²⁵⁶ 'Just 14 legal aid eligibility waivers issued under NI domestic abuse law', *Irish Legal News*, 26 May 2023.

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ 'Criminal barristers across NI on strike over pay delays', *Belfast Telegraph*, 17 November 2023.

²⁶⁰ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

²⁶¹ Department of Justice, 'Press Release: Fundamental review of criminal legal aid in NI', 2 October 2023.

9.0 Migration and Asylum

Article 59 – Residence status

- 9.1 Migrant women in domestic abuse situations in NI may be unable to or fear seeking help due to having precarious residence status in the UK, or being under the impression that they are in such a situation.²⁶² In NI, there have been reports of the Police Service of NI reporting women with insecure migration status, who have come forward for help with domestic abuse to the Home Office.²⁶³ In 2023, the Police Service of NI was forced to apologise after it suggested that migrant people were making fictitious domestic abuse claims in order to remain in the UK.²⁶⁴
- 9.2 Migrant victims of domestic abuse in NI can apply for indefinite leave to remain if their relationship ends because of abuse, if their partner is British citizen, a person settled in the UK or a member of the armed forces who has served at least 4 years.²⁶⁵ Migrant victims in NI with other types of leave to remain, for example student visas, are not able to apply.²⁶⁶
- 9.3 A migrant victim of domestic abuse in NI can apply for the Destitution Domestic Violence Concession.²⁶⁷ This offers an initial three month visa and allows a successful applicant access to benefits.²⁶⁸ It also affords a successful applicant time to make a full application for leave to remain.²⁶⁹ Several civil society organisations in NI report that this initial three month time frame does not leave enough time to make the second application.²⁷⁰
- 9.4 The UK Government has entered a reservation to not apply Article 59 of the Istanbul Convention, which includes protections related to residence status.

²⁶² Free Movement, 'How to Apply for Leave to Remain as a Victim of Domestic Violence'. Available at: [How to apply for leave to remain as a victim of domestic violence - Free Movement](#)

²⁶³ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

²⁶⁴ Luke Butterly, 'Police Service of NI apologises for suggesting migrants falsely report domestic abuse to remain in UK', *Belfast Telegraph*, 22 March 2023.

²⁶⁵ UK Government, 'Indefinite Leave to Remain (Domestic Violence or Abuse)'. Available at: [Indefinite leave to remain \(domestic violence or abuse\): Overview - GOV.UK \(www.gov.uk\)](#)

²⁶⁶ Free Movement, 'How to Apply for Leave to Remain as a Victim of Domestic Violence'. Available at: [How to apply for leave to remain as a victim of domestic violence - Free Movement](#)

²⁶⁷ Home Office, 'Victims of Domestic Violence (DDV) Concession' (UK Gov, 2019).

²⁶⁸ *Ibid.*

²⁶⁹ UK Government, 'Indefinite Leave to Remain (Domestic Violence or Abuse)'. Available at: [Indefinite leave to remain \(domestic violence or abuse\): Overview - GOV.UK \(www.gov.uk\)](#)

²⁷⁰ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

- 9.5 **The GREVIO Committee may wish to recommend that the UK Government withdraw its reservation to Article 59 of the Istanbul Convention.**
- 9.6 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims of violence against women and girls and domestic abuse with insecure migration status in NI can report crimes to the relevant authorities and seek means of support without having their residence status reported to the Home Office.**

EU Settlement Scheme

- 9.7 The EU Settlement Scheme gives effect to the Citizens' Rights provisions in the UK-EU Withdrawal Agreement and protects the rights of EU and EEA citizens and their family members living in the UK prior to 1 January 2021.²⁷¹ Several EU migrant women in NI have reported issues with applying for the Scheme, including that all their household documentation to prove their residency is in a male partner's name.²⁷² This can be particularly problematic for EU migrant women experiencing abuse.²⁷³
- 9.8 **The GREVIO Committee may wish to recommend that the UK Government review documentation requirements in relation to proof of residency and take action to address barriers to the application process for the EU Settlement Scheme, particularly for women experiencing domestic abuse.**

Articles 60-61 - Gender-based asylum claims and non-refoulement

- 9.9 In 2021, the UK Government published its plan to reform the UK immigration system and tackle "illegal" migration.²⁷⁴ This was followed by the enactment of the Nationality and Borders Act 2022 which created a

²⁷¹ Part 2, UK-EU Withdrawal Agreement 2020.

²⁷² Pivotal, 'Impact of Brexit on Minority Ethnic and Migrant People in NI' (ECNI, 2022), at 72.

²⁷³ Ibid.

²⁷⁴ Home Office, 'New Plan for Immigration' (HO, 2021).

two-tier system of legal protections in order to penalise individuals who arrive to the UK through unofficial routes.²⁷⁵

- 9.10 In July 2023, the Illegal Migration Act 2023 received Royal Assent. The 2023 Act denies access to the UK asylum system for those who arrive through unofficial routes.²⁷⁶ It prevents such individuals from presenting claims for protection, no matter how compelling their case may be.²⁷⁷ Instead, individuals could face detention before being removed to another country.²⁷⁸ Consequently, women who arrive in NI via unofficial routes will be ineligible to make an asylum claim on the basis of being victims of gender-based violence.
- 9.11 The NIHRC is gravely concerned that the Illegal Migration Act represents a significant regression of human rights protection to refugees, people seeking asylum and migrants in the UK.²⁷⁹ In September 2023, the Commission issued a judicial review against the Secretary of State for the Home Department, and the Secretary of State for NI, arguing that the Illegal Migration Act 2023 is not compliant with the ECHR and Windsor Framework Article 2.²⁸⁰ In January 2024, the case is due to be heard in the High Court of Justice in NI.
- 9.12 **The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to urgently develop appropriate safeguards through statutory regulations and guidance to ensure the enactment of the Nationality and Borders Act 2022 and the Illegal Migration Act 2023 do not undermine existing protections for refugees and people seeking asylum in NI regarding matters of devolved competence, including for women making gender-based asylum claims.**
- 9.13 The Illegal Migration Act 2023 provides a limited right by the use of suspensive claims to defer a decision for removal.²⁸¹ Where these claims are rejected, an appeal can be made under a very narrow set of

²⁷⁵ NI Human Rights Commission, 'Response to Call for Evidence by the Joint Committee on Human Rights on the Nationality and Borders Bill' (NIHRC, 2021), at paras 4.5-4.25 and 7.1-7.12.

²⁷⁶ Section 1(1), Illegal Migration Act 2023.

²⁷⁷ Section 1(2), Illegal Migration Act 2023.

²⁷⁸ Section 1(4), Illegal Migration Act 2023.

²⁷⁹ NI Human Rights Commission, 'Submission to the House of Lords on the Illegal Migration Bill' (NIHRC, 2023).

²⁸⁰ NI Human Rights Commission, 'Illegal Migration Act Factsheet'. Available at: [Illegal Migration Act challenge Factsheet | Northern Ireland Human Rights Commission \(nihrc.org\)](#)

²⁸¹ Sections 38-50, Illegal Migration Act 2023.

circumstances.²⁸² The two kinds of suspensive claims that defer removal are serious harm suspensive claims and factual suspensive claims.²⁸³ The Secretary of State is allowed to amend the meaning of “serious and irreversible harm” for the purposes of the Act.²⁸⁴ The NIHRC has expressed concern that this opens the window for a higher threshold which could be inconsistent with the principle of non-refoulement.²⁸⁵

9.14 The GREVIO Committee may wish to recommend that the UK Government takes effective steps to ensure that asylum law that applies in NI is human rights compliant, including the principle of non-refoulement, and is in compliance with its obligations under Windsor Framework Article 2.

²⁸² Section 44, Illegal Migration Act 2023.

²⁸³ Section 38(2), Illegal Migration Act 2023.

²⁸⁴ Section 40, Illegal Migration Act 2023.

²⁸⁵ NI Human Rights Commission, ‘Submission to the House of Lords on the Illegal Migration Bill’ (NIHRC, 2023).

Annex: Summary for Recommendations

- 3.3 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to introduce a Single Equality Act for NI and provide the necessary support to secure the necessary political consensus to deliver this.
- 3.7 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that intersectional multiple discrimination claims in NI are effectively addressed, including providing for intersectionality within equality legislation as required.
- 3.11 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to consider and take into account the full range of equality and non-discrimination standards during the development and implementation of legislation and policy relating to victims and survivors of violence against women and girls and domestic abuse in NI, inclusive of its commitments under Article 2 of the Windsor Framework.
- 3.12 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop and roll out training and guidance on Windsor Framework Article 2 across government departments and act promptly to ensure that guidance on policy and legislative development is updated to include consideration of Windsor Framework Article 2.
- 3.14 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that discrimination in the provision of goods, facilities and services based on age is prohibited in NI, this includes ensuring that the necessary legislative changes are promptly made.
- 3.18 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the gender pay gap and insecure, low paid employment of women in NI is effectively addressed and monitored. This includes ensuring that the provisions regarding mandatory pay gap reporting in the Employment Act (NI) 2016 are brought into effect in NI.

- 3.19 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to commit to ensuring that, to the extent that the EU Pay Transparency Directive amends or replaces the EU Gender Equality (Employment) Directive, the law in NI is amended to keep pace with these changes to ensure compliance with the Windsor Framework
- 3.21 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that childcare facilities and arrangements in NI are available, affordable and accessible.
- 3.25 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to promptly develop, implement, monitor and adequately resource an anti-poverty strategy for NI, with a measurable action plan, that is guided by meaningful engagement with affected individuals and their representative organisations at every stage of the process.
- 3.28 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that appropriate measures are taken to ensure data on domestic abuse in NI includes child-related information that is comprehensive and disaggregated.
- 3.30 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to promptly publish and implement a robust, gender-sensitive Gender Equality Strategy, which takes a human rights-based approach in line with international human rights standards and Windsor Framework Article 2. This includes this strategy being accompanied by a measurable plan of action and effective monitoring mechanisms.
- 3.34 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to explicitly adopt a gender-sensitive approach to tackle all forms of violence against women and girls in NI. This includes access to specialised, gender-sensitive, accessible support services.
- 3.35 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all policies aimed at tackling violence against women and girls in NI complement and enhance each other.

- 3.40 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure women’s participation in public and private life is proportionate to NI’s population.
- 3.41 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to consider the specific gendered effect of paramilitarism in NI when implementing programmes to tackle the issue, particularly its effect on women and girls that are victims and survivors of violence and domestic abuse.
- 4.2 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the final domestic and sexual violence and abuse strategy in NI explicitly adopts a gender-sensitive approach, including providing for specialised, gender-sensitive, accessible support for victims and survivors of domestic and sexual abuse. This includes the strategy recognising the structural and societal issues which result in domestic and sexual abuse disproportionately affecting women in NI and should include measures to address these issues.
- 4.3 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the necessary resources are ring fenced for the development and effective implementation of the domestic and sexual violence and abuse strategy in NI. This includes ensuring that the resources allocated are long-term and have sufficient flexibility to address needs as and when they arise.
- 4.5 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure due consideration and priority is given to the opinions and views of victims and survivors in NI and their representative organisations throughout implementation and evaluation of the domestic and sexual violence and abuse strategy in NI. This includes identifying and committing to mechanisms to effectively collate and ensure meaningful engagement with views expressed by victims and survivors and their representative organisations within the strategy.
- 4.6 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to engage with individuals with lived experience in NI. This includes conducting such engagement with

specialised support and in a sensitive and appropriate manner so as not to re-traumatise victims and survivors.

- 4.8 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to make explicit provision in the Ending Violence Against Women and Girls Strategic Framework for women and girls in NI who are at an increased risk of violence or who face additional barriers to accessing justice, service provision and specialised support, including legal support. This includes ensuring that specialised services are consistently available and fully accessible in NI.
- 4.9 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Ending Violence Against Women and Girls Strategic Framework provides for data collection in NI that is disaggregated, comprehensive and comparable.
- 4.10 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to secure ring-fenced long-term funding that extends across the seven-year span of the Ending Violence Against Women and Girls Strategic Framework and that includes a contingency plan in the latter years of the Strategic Framework to ensure long-term initiatives in NI can continue effectively without resource constraints.
- 4.13 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that strategies aimed at addressing violence against women and girls in NI adopt a coordinated response to preventing online-based and technology-related violence, abuse and disinformation. This includes such measures being adaptable to take account of new developments.
- 4.19 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the implementation of a human rights-based approach at all stages of the budgeting process in NI, including in the planning, formulating, executing and auditing of budgets.
- 4.20 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that a comprehensive assessment of the cumulative impact of the 2023-2024 budget cuts in NI

is conducted with a focus on the human rights of disadvantaged and marginalised individuals and groups.

- 4.21 The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that civil society organisations in NI, are appropriately resourced to ensure their long-term sustainability in the provision of services.
- 4.24 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the findings from the review of the co-design process adopted by the Department of Communities in NI are promptly published with key learning, actions identified and implemented.
- 4.25 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to give due consideration and priority to the opinions and views of civil society organisations in NI in the development of relevant the development, implementation, monitoring and evaluation of the relevant policies.
- 4.26 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the expertise of the victims, survivors, experts and representative organisations that it consults and engages with regarding violence and abuse of women and girls in NI, including that the input made is appropriately and sensitively reimbursed.
- 4.31 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to adopt measures that improve the collection of disaggregated data on violence against women and domestic abuse. This includes collecting data in a way which reflects society in NI and enables comprehensive comparison with other parts of the UK.
- 5.2 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps, in partnership with representative groups, to ensure awareness raising campaigns are clear and accessible, particularly for groups that face additional barriers to accessing support. This includes ensuring that information is fully accessible, including that it is tailored to a range of communication requirements. For example, through the provision of language translations, large print, easy read and audio versions.

- 5.6 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to review the application of the Homes for Ukraine scheme in NI to ensure that safeguarding measures are significantly robust and gender sensitive.
- 5.7 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement and monitor awareness raising campaigns in NI that are linked to the Homes for Ukraine Scheme and aimed at increasing understanding of how to identify inappropriate, abusive or exploitive behaviour, how to report such behaviour and where to access support if experienced or witnessed such behaviour. This includes the campaigns giving particular consideration to women and children, being culturally sensitive and being tailored to the full range of communication requirements.
- 5.12 The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that the guidance being developed by the Department of Education NI outlines the key elements that should be included within 'comprehensive' relationships and sexuality education in NI. This should be developed to achieve the aim of ensuring that all elements of comprehensive relationships and sexuality education are delivered within every post-primary school in NI.
- 5.13 The GREVIO Committee may wish to recommend that, through engagement with relevant stakeholders and experts, the UK Government and NI Executive take effective steps to develop, implement, evaluate and monitor guidance that ensures relationships and sexuality education programmes in NI are inclusive and meet the educational needs of all students. This includes, but is not limited to D/deaf and disabled students, ethnic minority students, and students with diverse gender and sexual identities.
- 5.14 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement, monitor and evaluate a strategy to raise awareness of the benefits of holistic relationships and sexuality education, which also addresses myths or misconceptions related to the provision of relationships and sexuality education lessons in NI that may increase the likelihood of parental withdrawal.

- 5.15 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop, implement, evaluate and monitor measures to mitigate against the adverse impact of children and young people being withdrawn from relationships and sexuality education lessons in NI. For example, requiring schools in NI to advise parents of the right of children and young to education and participation, developing guidance on when children and young people may decide to opt back into relationships and sexuality education lessons, and providing alternative educational arrangements for children and young people who have been withdrawn from relationships and sexuality education.
- 5.20 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Domestic and Sexual Violence and Abuse Strategy in NI includes effective provisions for gender-sensitive training of all professionals across the course of the reporting, judicial and support journey of a victim of domestic and sexual abuse. This includes consideration of groups with specific needs, such as D/deaf and disabled persons, LGBTQIA+ persons, and persons of national or ethnic minority background. This training should also include a specific focus on the links between domestic abuse and offending.
- 5.23 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to adopt measures to support employers in NI to develop, implement, evaluate and monitor effective domestic abuse workplace policies and policies on workplace based sexual harassment and violence. This includes engaging with expert and representative organisations, with the input and expertise recognised and appropriately reimbursed.
- 6.3 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to develop an action plan to further develop the Multi-Agency Risk Assessment Conference process in NI that is in line with the recommendation of the Criminal Justice Inspection NI, and does so in consultation with all relevant stakeholders.
- 6.4 The GREVIO Committee may wish to recommend that the UK Government and NI Executive, in consultation with older victims of domestic abuse and the organisations which represent them, take effective steps to review the

effectiveness of Multi-Agency Risk Assessment Conferences for older people and address the findings.

- 6.7 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all information provided to victims and survivors of violence against women and girls and domestic abuse in NI is timely and accessible for the purpose of ensuring that everyone in NI is aware of and has access to protection from violence and abuse.
- 6.12 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all women and girl victims and survivors of violence and abuse in NI can access effective, specialised services that are consistently available and fully accessible on an equal basis.
- 6.14 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to undertake and publish an evaluation on the pilot Identification and Referral to Improve Safety programme, with any findings implemented going forward.
- 6.15 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that General Practice staff across NI undertake specialised training on domestic and sexual abuse and violence, including refresher training.
- 6.18 The GREVIO Committee may wish to recommend the UK Government and NI Executive take effective steps to identify and minimise procedural barriers to migrant people in NI, regardless of immigration status. This includes introducing guidance for healthcare professionals on providing effective access, strengthening communication between General Practitioner services and health trusts and ensuring that patients are not wrongly charged for services.
- 6.21 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims and survivors of violence against women and girls and domestic abuse in NI who require it, have access to appropriate housing and accommodation in line with provision for other imminent risks. This includes addressing the disparity between NI other regions of the UK.

- 6.24 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to fully implement the recommendations from the Gillen Review on improving complainants' experience of reporting sexual assault in NI, including by enabling victims and survivors to submit complaints and feedback on their experience.
- 6.27 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that adequate, long-term resources are guaranteed for the purpose of ensuring and enabling access to specialised support services for all victims and survivors of violence against women and girls and domestic and sexual abuse in NI. Furthermore, that any decisions on funding do not result in regression regarding specialised support and protection for women and girl victims and survivors of violence and abuse in NI.
- 6.28 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to monitor and ensure that a due diligence process in line with the Procurement Policy Note on Human Rights is adhered to when awarding contracts. This includes requiring external agencies to demonstrate compliance with human rights standards and, where relevant, their specialism.
- 6.31 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all victims of modern slavery and human trafficking in NI are able to access specialist support services, appropriately tailored to take account of age, gender and culture, regardless of how they came to enter the UK.
- 6.34 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that there is enough emergency refuge accommodation in NI to meet the needs of victims and survivors of violence against women and girls and domestic abuse, and that refuges in NI are appropriately funded to carry out their function on a long-term basis.
- 6.37 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure current available specialist support for victims and survivors of sexual assault and violence in NI, including child victims, is effectively and regularly evaluated, with any

identified issues addressed. This includes ensuring that these services are consistently available and readily accessible on a long-term basis for anyone in NI that needs them.

- 6.40 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the best interests of the child is a primary consideration in tackling domestic abuse in NI, for example, by including a requirement to adopt the Barnahus approach where relevant.
- 7.2 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the costs associated with applying for non-molestation and occupation orders are affordable and that mitigations are in place as required to ensure that all victims of violence against women and girls and domestic abuse in NI can avail of such orders if required.
- 7.4 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the court process or child contact arrangements in NI are not being used to perpetrate domestic abuse. This includes conducting a review of Family Court procedures in NI with any identified issues addressed.
- 7.8 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure specialised training and capacity-building is provided on any new violence and abuse offences to all professionals in NI who may come in contact with a victim during their reporting, judicial and support journey, including across the criminal justice system, police and public officials.
- 7.12 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to expeditiously introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage to 18 years for all children in NI.
- 7.13 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that cross-Departmental efforts to combat forced marriages in NI are strengthened, including by sensitising parents on the need for full and free consent of their child to marry.

- 7.17 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to investigate and prosecute perpetrators of female genital mutilation in NI. This includes implementing a prevention strategy and action plan, which includes increasing efforts to raise awareness, particularly within affected communities, that female genital mutilation is a form of both child abuse and gender-based violence against women and girls. It also includes ensuring specialised support is available and accessible to victims of female genital mutilation in NI.
- 7.18 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to improve the way in which data on the prevalence of female genital mutilation in NI is gathered and monitored to ensure that every case of female genital mutilation in NI can be captured and addressed, including that such data is comprehensively disaggregated.
- 7.20 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to repeal the defence of reasonable chastisement of children in NI and to develop and implement a strategy that effectively promotes positive and non-violent forms of discipline in NI.
- 7.23 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to include gender as a protected characteristic within hate crime legislation in NI. This should adopt a gender-sensitive approach and provide for intersectionality across the full range of protected characteristics.
- 7.24 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to include misogyny and transmisogyny as aggravating factors in hate crime legislation in NI.
- 7.26 The GREVIO Committee may wish to recommend that the UK Government withdraws its reservation to Article 44(4) of the Istanbul Convention, in respect of offences committed under Articles 36 and 39 of the Istanbul Convention.
- 8.3 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims and survivors of historical abuse outside the remit of the Historical Institutional Abuse

Inquiry have an effective remedy in NI, including expedient access to thorough and effective independent investigations that offer effective redress (including compensation) and are subject to public scrutiny and meaningful victim participation.

- 8.7 The GREVIO Committee may wish to recommend that the UK Government and NI Executive, in line with the rest of the UK, take effective steps to promptly introduce a freestanding offence in NI where an individual, who has the care of another individual by virtue of being a care worker, ill-treats or wilfully neglects that individual.
- 8.8 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that findings from investigations into abuse in health and social care settings in NI are addressed immediately and fully remedied.
- 8.9 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that effective complaints mechanisms relating to health and social care settings are in place in NI. This includes that these complaints mechanisms are fully accessible and monitored to ensure that any identified breaches do not recur in the future.
- 8.12 The GREVIO Committee may wish to recommend the UK Government and NI Executive take effective steps to promptly and fully implement the Criminal Justice Inspection NI and Gillen Review's recommendations aimed at tackling undue delay within the criminal justice system in NI.
- 8.14 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all file quality, disclosure and case progression within the Police Service of NI and Public Prosecution Service for NI are of a minimum standard that adheres to a human rights based approach.
- 8.17 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the enforcement of Non-molestation Orders in NI are reviewed and any identified issues addressed. This includes ensuring that the review is conducted in partnership with victims and survivors and their representative organisations in NI.

- 8.19 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure there is immediate protection to victims and survivors of all forms of domestic abuse in NI. This includes promptly introducing Domestic Abuse Protection Orders and Notices in NI, ensuring that these are fully accessible across the criminal justice system.
- 8.21 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the Gillen Review recommendations relating to sexual history and rape myths in NI are implemented, regularly monitored and evaluated, with any identified issues addressed.
- 8.23 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the effectiveness of the Prisoner Release Victim Information in NI is regularly reviewed and any identified issues addressed. This includes giving consideration to automatically enrolling victims, with an option to "opt-out".
- 8.27 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to review the Domestic Abuse Disclosure Scheme in NI and that any findings are addressed. This includes conducting the review in partnership with victims and survivors and their representative organisations in NI.
- 8.31 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that, in circumstances where an abuser is also party to proceedings, special measures are extended to domestic and sexual violence and abuse victims and survivors in the family and civil court setting in NI.
- 8.32 The GREVIO Committee may wish to recommend that, in partnership with victims, survivors and representative organisations, the UK Government and NI Executive take effective steps to ensure that consideration is given to developing a dedicated domestic abuse system within courts in NI. At minimum, this includes rolling out across NI the approach to listings of domestic violence and abuse cases taken in Derry/Londonderry with ring-fenced, long-term funding.

- 8.33 The GREVIO Committee may wish to recommend that UK Government and NI Executive take effective steps to ensure that the implementation of the remote evidence centre in Belfast is regularly monitored and evaluated and that any identified issues are addressed. Care should be taken to ensure any utilised new technologies do not inadvertently hinder access to justice for individuals with specific needs. Consideration should also be given to introducing remote evidence centres across NI that are provided with ring-fenced, long-term funding.
- 8.36 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure measures are developed, implemented and monitored for the purpose of ensuring that victims and survivors of domestic abuse in NI are aware of their right to legal aid in private family law cases. This includes ensuring that information is fully accessible, including that it is tailored to a range of communication requirements. For example, through the provision of language translations, large print, easy read and audio versions.
- 8.37 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the provision of legal aid in NI continues and is available to individuals that need it to ensure their access to justice, with particular consideration of victims of domestic abuse.
- 9.5 The GREVIO Committee may wish to recommend that the UK Government withdraw its reservation to Article 59 of the Istanbul Convention.
- 9.6 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that victims of violence against women and girls and domestic abuse with insecure migration status in NI can report crimes to the relevant authorities and seek means of support without having their residence status reported to the Home Office.
- 9.8 The GREVIO Committee may wish to recommend that the UK Government review documentation requirements in relation to proof of residency and take action to address barriers to the application process for the EU Settlement Scheme, particularly for women experiencing domestic abuse.

- 9.12 The GREVIO Committee may wish to recommend that the UK Government and NI Executive take effective steps to urgently develop appropriate safeguards through statutory regulations and guidance to ensure the enactment of the Nationality and Borders Act 2022 and the Illegal Migration Act 2023 do not undermine existing protections for refugees and people seeking asylum in NI regarding matters of devolved competence, including for women making gender-based asylum claims.
- 9.14 The GREVIO Committee may wish to recommend that the UK Government takes effective steps to ensure that asylum law that applies in NI is human rights compliant, including the principle of non-refoulment, and is in compliance with its obligations under Windsor Framework Article 2.

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