



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**RESPONSE TO HOME OFFICE CONSULTATION ON
“TOGETHER WE CAN END VIOLENCE AGAINST WOMEN
AND GIRLS: A CONSULTATION PAPER”**

Summary

The NIHRC has taken this opportunity to note gaps in regional provision and the collective inconsistencies across the state party provisions on violence against women and girls that still exist with regard to compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While there is much to be commended on local Northern Ireland strategies to tackle domestic violence and sexual violence, they add to a set of disparate policies that collectively fail to deliver what might have been achieved by a single integrated strategy to end violence against women and girls. Without such an integrated approach, there are in Northern Ireland some gaps in provision for victims of violence and abuse.

1. The Northern Ireland Human Rights Commission (the Commission) is a statutory body created by the Northern Ireland Act 1998. It has a range of functions including reviewing the adequacy and effectiveness of Northern Ireland law and practice relating to the protection of human rights,¹ advising on legislative and other measures which ought to be taken to protect human rights,² advising on whether a Bill is compatible with human rights³ and promoting understanding and awareness of the importance of

¹ Northern Ireland Act 1998, s.69(1).

² *Ibid.*, s.69(3).

³ *Ibid.*, s.69(4).

human rights in Northern Ireland.⁴ In all of that work, the Commission bases its positions on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), other treaty obligations in the Council of Europe and United Nations systems, and the non-binding 'soft law' standards developed by the human rights bodies.

2. The Commission recognises that this Home Office consultation paper is intended to be limited in scope to England, but it provides an opportunity to draw attention to regional differentials in how the state addresses violence against women and girls. The Commission therefore addresses this submission to the Northern Ireland Executive and the Northern Ireland Office, as well as the Home Office.
3. It is asserted in the consultation paper (p5) that two current strategies (on violence at home and sexual violence, respectively)⁵ cover the same ground in Northern Ireland and make an integrated strategy approach redundant here. While there is much to be commended in those strategies, they add to a set of disparate policies that have collectively failed to deliver what might have been achieved by a single integrated strategy. Such an integrated strategy would have worked to a United Nations definition of gender-based violence and encompass a wide range of related forms of violence and abuse against women and girls. Without such an integrated approach, there are in Northern Ireland some gaps in provision for victims of violence and abuse.

International standards

4. The United Nations General Assembly defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".⁶
5. International standards have underlined the link between endemic gender based violence and endemic gender inequality for over forty years. The UN Declaration on the Elimination of Violence Against

⁴ *Ibid.*, s.69(6).

⁵ *Tackling Sexual Violence and Abuse A Regional Strategy*, Northern Ireland Office and Department of Health, Social Services and Public Safety, June 2008.

⁶ UN Declaration on the Elimination of Violence against Women (1993) A/Res/48/104, Article 1.

Women (1993) declared that violence against women is a manifestation of power relationships and “is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) was supplemented by further recommendations by the treaty monitoring body to make explicit the connections of such violence with human rights and inequality. General Recommendation 19 of the CEDAW Committee defines violence against women as “a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”, and makes clear that ending gender-based violence is an obligation that States take on when they ratify CEDAW. General Recommendation 19 also defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately”, and pointed out that violence can impact on access to many of the rights set out in the Convention.

6. The 4th UN Conference on Women adopted the Beijing Platform for Action (1995) in which the United Kingdom committed itself to “take integrated measures” to develop comprehensive programmes to end gender-based violence.

Compliance with the standards

7. Although the UK Government has accepted these obligations, the CEDAW treaty monitoring committee has noted the absence of progress on this issue by the UK government for over ten years. In 1999, the CEDAW committee noted (at paragraph 311) that “women in Northern Ireland are particularly affected by violence” and recommended that a “unified and multifaceted strategy to eliminate violence against women be implemented to include legal, education, financial and social components, in particular, support for victims”.
8. In its most recent recommendations of July 2008 (at paragraph 281), the CEDAW committee urged:

Priority attention to the adoption of comprehensive measures to address violence against women in line with General Recommendation 19 on violence against women... in line with its previous Concluding Observations of 1999, the Committee also calls upon the State party to adopt and implement a unified and multi-faceted national strategy to eliminate violence against women and girls, which would include legal, education, financial and social components.

9. Instead, since 1999, a range of initiatives have resulted in diverse and incompatible approaches across the UK and led to some patchy provision of services. As the CEDAW Committee noted in its concluding observations to the last examination of the UK State party July 2008 (CEDAW/C/UK/CO/6 at paragraph 263), “the Committee underlines that the principal responsibility for implementation of the Convention lies with the government of the United Kingdom”.
10. The Commission is disappointed that there has been no leadership from Westminster to ensure compliance across the devolved administrations of the obligations assumed by the State. Attempts to ensure compliance could take into account local structures whilst sharing adherence to the UN definition and standards to end gender-based violence.
11. For example, the Commission notes that whilst in Northern Ireland strategies on domestic violence and sexual violence are judged sufficient to cover the remit of ending violence against women (p5 of the consultation document), in England and Wales they are not. Although England and Wales also have a ‘Cross Governmental Action Plan on Sexual Violence and Abuse’ and ‘Domestic Violence Delivery Plan’ among other initiatives (Forced Marriage Unit, Tackling Human Trafficking), according to the consultation document (p9) “all of that action is pulled together in linked cross governmental actions plans for: sexual violence and abuse; domestic violence; forced marriage, and crimes committed in the name of honour; and human trafficking”.

A comprehensive strategy in Northern Ireland

12. There are many, very welcome features of the domestic violence strategy and sexual violence strategies in Northern Ireland. However, the Commission notes that there is no strategy that is based on the accepted United Nations definitions of violence against women. This means that the profound links provided by the international human rights framework to human rights and a commitment to gender equality can be lost. For example, the causes of violence can be reduced to a symptom of failed personal relationships, which fails to locate violence against women in its proper context.
13. In addition, there is no document that ‘pulls together’ separate and linked initiatives that exist for domestic violence, sexual violence,

public safety and gender equality. Victims of trafficking for sexual exploitation and victims of physical and sexual violence in prostitution are briefly acknowledged within the sexual violence strategies, but little detail is given about provision in these areas. The Women Offenders strategy currently under consultation by the Prison Service acknowledges that the experience of violence and abuse is an underlying cause that leads to women being detained in custody and needs to be addressed. In addition, issues like sexual harassment, intimidation, threats and stalking, forced marriage, and crimes in the name of honour are forms of gender-based violence that are not addressed in the existing strategies for Northern Ireland.

14. There should be an opportunity to provide more detail on all these issues in the context of the implementation of the Gender Equality Strategy⁷ developed by the Office of the First Minister and the deputy First Minister in Northern Ireland (2006). This strategy cites both CEDAW and the Beijing Platforms for Action to name 'gender related violence' as a 'key action area' (paragraph 2.9), although it is disappointing that so little detail on this point is provided in the strategy.
15. A result of these approaches in Northern Ireland is that there are evident gaps in the availability of safety and protection in some cases, and of service provision more widely in other cases. These gaps are particularly evident in the experience of groups of women who face other inequalities, and vulnerabilities, as the UN General Assembly Declaration⁸ noted in its preamble:

...women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence.
16. A gender-based violence analysis of Northern Ireland could usefully be made of most of the groups enumerated in that list above. The Commission notes, by way of example, a few gaps in provision that currently exists for minority groups, refugee women, destitute women, and women in institutions or detention.

⁷ *Gender Equality Strategy: A Strategic Framework for action to promote gender equality for women and men 2006-2016*, Gender, Age and Sexual Orientation Equality Unit, Social Inclusion Team, Office of the First Minister and Deputy First Minister, 2006.

⁸ A/RES/48/104, paragraph 7 of Preamble.

17. This consultation does not acknowledge in its scope that some particularly vulnerable women in Northern Ireland are affected by policy matters still reserved to Westminster. Women subject to immigration controls in Northern Ireland are vulnerable to abuse and face barriers to finding safety and support. A woman who is the victim of domestic violence in her home and who is subject to immigration control may have no or limited access to public funds, risking her access to safety and protection in refuge, as well as raising a fear of deportation if she brings her situation to the attention of the authorities.⁹ A woman who is experiencing the violence endemic to commercial sexual exploitation in prostitution may not have access to safety or justice, and may fear being deported if she raises with authorities (or indeed voluntary service provision agencies) her experiences of abuse. Against the risks of deportation, and the difficulty of finding safety and support, the difficulties of women and girls self-disclosing that they are victims of trafficking for example, may remain.
18. With regard to women trafficked for sexual exploitation, the pilot project announced by the Northern Ireland Office with Women's Aid Federation Northern Ireland is a promising start for provision for support services. However, the sustained funding for victims who have wide ranging and complex needs is a continual concern. The Commission welcomes the continuing support for the Eaves Housing Project mentioned in this consultation, but notes that proportional levels of support for victims of trafficking are not available in Northern Ireland at present.
19. With regard to devolved matters, there is still a lack of provision for victims of sexual assault in Northern Ireland. The Sexual Violence Strategy can be commended for the intention to develop a Sexual Assault Referral Centre, but there is a continuing lack of provision outside the law enforcement context for victims of sexual assault. In Northern Ireland, large numbers of victims may be hidden, as the figures for England and Wales show (p16 of the consultation document): "40% of victims of serious sexual assault since the age of 16 told no one about their experiences; 46% of women victims of serious sexual assault told a relative, friend or neighbour that they have been a victim, 12% told police, 10% told a counsellor or a therapist, 8% told a health professional and 4% told someone at work".
20. In addition, the Commission notes that there is an ambitious new strategy to assist women offenders in a number of 'pathways' that

⁹ *Women with no or limited recourse to public funds: a report of findings*, Women's Aid Federation Northern Ireland, October 2007.

acknowledges, among other social issues underlying the reality of women in the criminal justice system, the high incidence of violence and abuse many women and girls have experienced. Alongside this, there appear to be few resources to address their complex needs for rehabilitation, counselling, job readiness, substance abuse issues or mental health needs. The overlapping nature of these problems also needs to be considered.

21. The strategy for Women Offenders mentions exit strategies from prostitution but there appear to be little or no resources to assist women to leave prostitution. The reality of violence and abuse as part of the experience of prostitution make the provision of dedicated programmes to help provide choices for prostitutes a key plank of a comprehensive approach to violence against women and girls.
22. These and other women who experience violence and abuse in Northern Ireland have complex needs for rehabilitation, trauma support, health, employment, education and other interventions to help them realise their rights not only to equality but to bodily integrity. As disparate strategies have now developed to address these problems, the most urgent practical priorities for addressing these gaps where women and girls are vulnerable to violence and abuse are enumerated below.
23. The Commission commends many aspects of the initiatives against violence that affects women and girls disproportionately in the UK, including those in Northern Ireland. However, an insufficient regard to human rights frameworks for addressing violence against women and girls has resulted in an increase in the level of complexity of a policy environment that affects women and girls, particularly those most vulnerable to abuse. To address these gaps, the Commission would look to the Home Office to provide leadership in some areas, while it is the responsibility of devolved government in Northern Ireland to address others.

Questions raised by the consultation paper

24. Summary of concerns and recommendations in regard to policy areas raised by this consultation paper:

For the UK Home Office:

- What will be done to ensure compliance with CEDAW provisions across the whole of the State party in terms of ending gender based violence?
- Is the United Kingdom as a State party rejecting the repeated recommendation of the CEDAW Committee to develop an integrated strategy across regions and nations? If it is not, what is being done to promote more coherence of policy and provision?
- The Commission recommends that, as a minimal requirement, any provisions made for women with insecure immigration status, who are experiencing abuse, and have no recourse or limited recourse to public funds should be extended to Northern Ireland on the same terms.
- The Commission recommends that provisions of the Home Office Strategy to Combat Human Trafficking should be rolled out among statutory, law enforcement and service providers here in Northern Ireland, with resources attached.

For NIO and OFMDFM (DHSSPS, NIPS):

- What are the commitments of the Northern Ireland Assembly and Executive to meeting the requirements of CEDAW for an integrated strategy to end violence against women, using the international standards and definitions to guide policy and practice?
- The Commission understands that an Inter-Ministerial Working Group has been tasked with implementing the strategies on domestic violence and sexual violence. How often is the group meeting?
- Would it be possible to extend the remit of such a group to compliance with CEDAW provisions on the subject of gender-based violence?
- What are the implications of naming 'gender related violence' as a key area in the Gender Equality Strategy 2006? What specific action plans have been tied to this goal?
- The Commission requests that urgent attention be given to provision based on needs for women and girls experiencing violence who have no or limited recourse to public funds, who require rape crisis support but will not formally report sexual

assault, for the Women's Centres in the context of the women offenders strategies, and for programmes in Northern Ireland to provide routes out of prostitution.

- The Commission is concerned that equal access to these services should be available across the UK, including Northern Ireland.
- With regard to victims of trafficking for sexual exploitation, the Commission commends the present pilot project of service provision for trafficked women but notes that sustained resource provision will be required to provide a standard of service provision available to the users of services elsewhere in the UK.

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