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**Submission to the Department of Health, Social Services and Public Safety and the
Department of Justice**

in response to

**Stopping Domestic and Sexual Violence and Abuse
Strategy (2013-2020)**

April 2014

This response was developed by NICEM and was informed by research, case work and discussions at the meetings of NICEMs Minority Ethnic Women's Group. It should be read in conjunction with the findings and recommendation of our 2013 research report written by Professor Monica McWilliams and Priyamvada Yarnell **"The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland"**.¹

Summary of key issues:

By virtue of being both an ethnic minority and a woman, BME women often experience greater vulnerability to domestic and sexual violence and greater barriers in accessing support services. There may be cultural, religious, linguistic or immigration status related issues. Many BME women face greater **isolation** by virtue of not having informal support structures of friends and family. BME women are also **more vulnerable to honour based crime, forced marriage, FGM and trafficking for the purposes of sexual exploitation**, such crimes may incorporate elements of both, domestic and sexual violence in line with the definitions proposed by the strategy. For these reasons we believe that the specific vulnerability of BME women must be recognized within the strategy and **sufficient resources and dedicated action points must be established to help such victims**.

Human Rights obligations must be adhered to in the development of this strategy. The current draft does not reference and commit to these obligations sufficiently. **The UK ratified the UN Convention on the Elimination of Discrimination Against Women in 1986 and is therefore bound by the obligations contained within it. A key recommendation from the 2013 examination of the UK government was for the UK to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)**.²

Therefore the development of this strategy presents Northern Ireland with a critical opportunity to incorporate key elements in preparation for the ratification and implementation of the convention. This approach will help to ensure the Strategy is not rendered obsolete when the Istanbul Convention is ratified and assumes binding

¹ available at <http://nicem.org.uk/wp-content/uploads/2014/03/PRBMEWEDVNI-1.pdf> or hard copies can be requested from NICEM

² Whilst this has not yet been done, the UK signed the Convention in June 2012 and the Head of the Violence Against Women and Girls Team at the Home Office has provided assurances that the Convention will be ratified immediately when the provisions on forced marriage under the Anti-Social Behaviour, Crime and Policing Act 2014 take effect and the extra-territorial scope of sexual offences is strengthened. These dependencies are scheduled to have been resolved by June-September 2014, we wish to seek assurance from the devolved governments that they are also working to this time schedule.

status. NICEM would highly recommend robust measures are taken to strengthen protection of victims and potential victims in line with international standards.

The convention contains 5 strands which should be central to the development of the Strategy;

1. Prevention

Resources must be dedicated to prevention. **An ethnic minority sub group of the Regional Strategy Group on Domestic and sexual violence should be established** to address the many and complex issues that are faced by BME women experiencing domestic/sexual violence. This should be a multi-agency group with representation from ethnic minority community members. **. A work plan should be developed for the sub group; the Istanbul Convention and the 5 strands provide an excellent framework for developing an action plan to ensure that the group has clear outcomes.**

2. Protection

Ethnic minority women, **by virtue of their immigration status, often have no recourse to public funds**, this means that many face destitution if they leave a violent partner as they are not entitled to housing benefit to secure a place in a refuge. Minority women who are entitled to recourse to public funds often don't have equal access to social security in reality due to poor administration. **There is no form of crisis assistance in place for such victims** and the resulting financial dependency is aggravated by the planned welfare reform. With limited formal and informal support services available to ethnic minority victims, such victims are vulnerable to isolation and resulting effects on their mental health.. **Ethnic minority led support groups should be established and resourced** to alleviate isolation, raise awareness of issues of domestic violence and empower ethnic minority victims to know their rights. Dedicated accessible support services with resources and provision accounting for **linguistic and cultural needs** of minority victims should be developed with their input. The specific vulnerability of certain ethnic groups should be recognized and services tailored accordingly, notably **Travellers, Roma and refugees/asylum seekers. The protection of children**, who are victims of violence and/or who have parents who are victims should be accounted for and prioritised in the strategy.

3. Prosecution

The utmost must be done to ensure the criminalization of violence against women. In contrast to the rest of the UK, **forced marriage is not criminalized in NI**, and we are deeply concerned at the impact of differential standards of law in the devolved regions. The DOJ must ensure that the substantive law provisions within the Istanbul Convention are incorporated in to domestic

legislation. **Law enforcement agencies must collect evidence and assess the risk of further violence to adequately protect the victim.** NICEM finds it deeply concerning that some public bodies, most notably the public prosecution Service, are not recording statistics on ethnic backgrounds since they were not obliged.

4. Integrated policies

No single agency or institution can deal with domestic and sexual violence alone, an effective response to the issues requires **comprehensive and coordinated policies involving government agencies.** NGOs as well as other national, regional and local bodies and authorities including the Home Office, the DOJ and the DHSSPS must co-ordinate the strategy with other key policies that are currently being developed. (Racial Equality Strategy, Gender equality Strategy, Sexual Orientation Strategy and other guidelines and policy concerning human trafficking and FGM).

5. Monitoring

We urge the government to ratify and implement the Istanbul convention and thereby enable the **monitoring of compliance by the Council of Europe's associated group of experts.** This would show commitment to the recommendations resulting from the monitoring process under CEDAW.

1. Introduction

1.1 The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation³ we represent the views and interests of black and minority ethnic (BME) communities.⁴ Our mission is to work to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society. Our vision is of a society in which equality and diversity are respected, valued and embraced, that is free from all forms of racism, sectarianism, discrimination and social exclusion, and where human rights are guaranteed.

1.2 NICEM recognise the unique vulnerability of Black and Minority Ethnic (BME) women⁵ to domestic violence and abuse. Through our work we have worked to prioritise and mainstream intersectional and multiple identity issues affecting BME women. At the core of our legal and policy work, research and campaign activities is a commitment to upholding the rights of BME communities, which is driven by our development work and efforts to promote grassroots participation. Indeed, we have engaged extensively with the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), submitting high impact shadow reports and mobilised a delegation of five ethnic minority women from diverse backgrounds to participate in Committee hearings and related events. We have also undertaken supporting research on the lived experience of BME women in Northern Ireland and specifically on the protection and rights of BME women who have experienced gendered violence.

1.3 NICEM welcome the introduction of the Domestic and Sexual Violence and Abuse Strategy (2013-2020). We believe that this is a valuable opportunity to address the needs of BME women and ensure that Human Rights obligations are fulfilled so that vulnerable victims can be afforded the greatest care and support.

1.4 In preparation of the strategy, a meeting between the DOJ and the NICEM-based Ethnic Minority Women's Network (from here on referred to as "the BME Women's Network") took place on the 27th March 2014 to discuss issues of domestic and sexual violence faced by minority ethnic women in particular. A second meeting on the draft strategy and in preparation for NICEMs' response to it was held on 10th April

³ Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

⁴ In this document "Black and Minority Ethnic Communities" or "Minority Ethnic Groups" or "Ethnic Minority" has an inclusive meaning to unite all minority communities. It refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status.

⁵ NICEM recognizes that men can be victims and must receive support. However, we support womens aid and others in their call for an approach to the strategy which reflects the fact that women are affected far more often, thus acknowledges the gendered nature of domestic and sexual violence.

2014. The results from these meetings have influenced this consultation response and will be referred to throughout the process. Furthermore, NICEM will outline cases we have worked with to emphasise the realities of women affected and the need for changes in certain areas. Two of these case studies have been annexed in full at the end of this consultation response.

2. Equality and Human Rights standards

2.1 NICEMs consultation response, as well as our work in general, is based on international human rights norms, and we believe using these standards as a basis in policy making will help to ensure effective protection for all individuals. We have noticed a significant lack of reference to human rights standards within the draft strategy and strongly recommend the DOJ and DHSSPS to rethink this position and include a more prominent commitment to the protection of human rights within the document.

2.2 Throughout our response, we will therefore try to highlight weaknesses of the strategy in this area, while reinforcing the following international standards from the United Nations, Council of Europe and European Union:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- CEDAW General Recommendation no.19 on violence against women
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- The EU Victims' Directive⁶
- The EU Gender Equality Directive (Recast)
- The Beijing Declaration and Platform for Action

Please see below a brief summary of some of these key standards:

A) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

2.3 CEDAW was adopted by the UN General Assembly in 1979 and was ratified by the UK in April 1986. (The Optional Protocol to CEDAW was ratified in December 2004.)

“Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. (...) The Convention is also an agenda for action by countries to guarantee the enjoyment of those rights.”

2.4 “In its approach, the Convention covers three dimensions of the situation of women. Firstly, civil rights and the legal status of women are dealt with in great detail and secondly it covers the dimension of human reproduction. Thirdly, it is concerned with the impact of cultural factors on gender relations and gives formal recognition to the influence of culture and tradition on restricting women's enjoyment

⁶ EU Directive 2012/29/EU

of their fundamental rights, for example through stereotypes, customs and norms. The preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women".

2.5 In addition, Article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) demands that States undertake 'all appropriate measures to **modify the social and cultural patterns** of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women'. Cultural patterns which define the **public realm as a man's world and the domestic sphere as women's domain** are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment.⁷

2.6 The progress of states parties to CEDAW in achieving the Convention's goals is monitored by the Committee on the Elimination of Discrimination against Women. At least every four years, the States parties are expected to submit a national report to the Committee indicating the measures they have adopted to give effect to the provisions of the Convention. The Committee, which is a body of independent experts, then makes general recommendations to the States parties on how to further implement CEDAW to achieve the elimination of discrimination against women.⁸

2.7 The UK's last reporting cycle ended in 2013 with the **Concluding Observations** of the **CEDAW Committee**. The experts were "concerned at **continued reports of violence against women, including domestic violence, particularly affecting black and minority ethnic women**, and the so-called honour killings against ethnic minority women."

2.8 The following recommendations were issued by the CEDAW Committee, with an additional recommendation from the Committee on Economic, Social and Cultural Rights in its Concluding Observations on the UK.

The Committee urges the State party to:

- (a) Ensure effective access by women to courts and tribunals, in particular women victims of violence;**
- (b) Continuously assess the impact of the reforms to legal aid on the protection of women's rights; and**
- (c) Protect women from informal community arbitration systems, particularly those which violate their rights under the Convention.**

⁷ Office of the High Commissioner for Human Rights (April 2014) Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. URL: <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>> [accessed 16.4.2014]

⁸ Office of the High Commissioner for Human Rights (April 2014) Committee on the elimination of discrimination against women. URL: <<http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>> [accessed 16.4.2014]

(para 23, CEDAW Concluding Observations 2013)

Recalling its general recommendation No. 19 (1992) on violence against women, and its previous recommendation, the Committee urges the State party to:

- (a) Ratify the Istanbul Convention, and criminalise forced marriage;**
- (b) Increase its efforts in the protection of women, including black and minority women, against all forms of violence, including domestic violence, and the so-called honour killings; and**
- (c) Continue public awareness-raising campaigns on all forms of violence against women, including black and ethnic minority women.**
- (d) Intensify efforts to train police officers to eliminate prejudices concerning the credibility of victims of domestic violence; and**
- (e) Revise its legislation to prohibit corporal punishment of children in the home.**

(para 34, CEDAW Concluding Observations on UK, 2013)

The Committee reiterates that the State party should ensure the full implementation of its legislation on FGM. The Committee recommends that the State party should ensure that the Crown Prosecution Service is provided with the necessary support to effectively prosecute perpetrators of FGM, including supporting the action plan on improving FGM prosecutions released by the Director of Public Prosecutions in November 2012.

(para 37, CEDAW Concluding Observations on UK, 2013)

Recalling its previous recommendation, the Committee recommends that the State party should:

- (a) Extend the concession to the “no recourse to public funds” policy to all women who are subjected to gender based violence and exploitation; and**
- (b) Provide access to justice and healthcare to all women with insecure immigration status, including asylum seekers, until their return to their countries of origin.**

(para 57, CEDAW Concluding Observations on UK 2013)

The Committee recommends that the State party reinforce its measures to combat violence against women. It further recommends that the State party intensify its efforts to raise awareness of the gravity of this offence and the mechanisms available to victims of domestic violence, to improve training for police and law enforcement officials and judges in relation to rape cases, and to increase the support services for victims at the local level. The Committee further recommends that the State party take appropriate measures to ensure that complaints of rape are diligently and impartially investigated and prosecuted without any inherent bias or scepticism towards alleged victims. The Committee reiterates its recommendation that physical punishment of children in the home be prohibited by law.

B) General Recommendation No.19 of the CEDAW Committee

2.9 Article 21 of CEDAW empowers the CEDAW Committee to make suggestions and general recommendations based on the examination of reports and information received from States parties. These, as well as comments from States parties, are included in the session reports of the Committee. Suggestions are usually directed at United Nations entities, while general recommendations are addressed to States parties and usually elaborate the Committee's view of the obligations assumed under the Convention. As of January 2004, CEDAW had adopted 25 general recommendations. Since 1991, CEDAW issued detailed and comprehensive general recommendations which offer States parties clear guidance on the application of the Convention in particular situations.⁹ This means that States parties to CEDAW should read the General Recommendations carefully and use them as guidelines on the scope of human rights and consequently for the implementation of the Convention.

2.10 Of interest to this document is mainly General Recommendation no. 19, which deals with "Violence against women". In relations to the Articles 2(f), 5 and 10(c) CEDAW the recommendation states:

11. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify **gender-based violence** as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened **violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles** and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.

12. These attitudes also contribute to the propagation of pornography and the depiction and other **commercial exploitation of women as sexual objects**, rather than as individuals. This in turn **contributes to gender-based violence.**"

2.11 To achieve sufficient protection of women from gender-based violence, the CEDAW Committee recommends that:

- States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;

⁹ UN Entity for Gender Equality and the Empowerment of Women. Convention on the Elimination of All Forms of Discrimination against Women - General recommendations. URL: <<http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>> [accessed 24.4.2014]

- States parties should ensure that **laws against family violence** and abuse, rape, sexual assault and other gender-based violence **give adequate protection** to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. **Gender-sensitive training of judicial and law enforcement officers** and other public officials is essential for the effective implementation of the Convention;
- States parties should encourage the **compilation of statistics and research** on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;
- States parties in their reports should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women and the kinds of violence that result.
- Effective measures should be taken to overcome these attitudes and practices. States should introduce **education and public information programmes** to help eliminate prejudices that hinder women's equality (recommendation No. 3, 1987);

2.12 The Committee furthermore calls for the establishment of services such as refuges, counselling and rehabilitation programmes for the protection of women, and for specialised supports services and strategies to combat issues of human trafficking, sexual exploitation and FGM. Services for victims of violence need to be accessible also in rural areas and isolated communities. Rehabilitation programmes for perpetrators of domestic violence need to be established, while at the same time effective protection of women needs to be provided. According information in state reports need to be provided.¹⁰

C) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

2.13 This Convention was drawn up by the Council of Europe and opened for signature in Istanbul on 11th May 2011. It was decided that the Convention will enter into force when it has been ratified by 10 countries, which was achieved in April 2014. Consequently, the treaty will become binding on 1st August 2014, meaning countries ratifying the treaty will be obligated to protect and support victims of violence. The UK has only signed the Convention (on 8th June 2012) but has not ratified it. However, in its last State report to the CEDAW Committee in 2013 the UK government stated its intention to ratify the Istanbul Convention.¹¹

2.14 Therefore the development of the domestic and sexual violence strategy presents Northern Ireland with the opportunity to incorporate key elements of the Istanbul Convention in preparation for the ratification of the treaty. NICEM would highly recommend this as a chance to increase the protection of victims and poten-

¹⁰ CEDAW Committee (1992) General Recommendation No. 19 Violence against women 11th session, 1992. Accessed online via URL:
<<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>> [accessed 16.4.2014]

¹¹ see footnote 1

tial victims. NICEM noted with concern that the draft strategy does not refer to the international standards of the treaty at all at the moment, and we would emphasize that its incorporation is essential to the final version.

2.15 The Istanbul Convention is structured on 5 strands, which will be explained in brief below. **An ethnic minority sub group of the Regional Strategy Group on Domestic and sexual violence should be established** to address the many and complex issues that are faced by BME women experiencing domestic/sexual violence. This should be a multi-agency group with representation from ethnic minority community members. **A work plan should be developed for the sub group; the Istanbul Convention and the 5 strands provide an excellent framework for developing an action plan to ensure that the group has clear outcomes.**

5 strands;

1. Prevention

2.16 The Convention has a strong focus on prevention and requires States parties to it to:

1. “train professionals in close contact with victims;
2. regularly run awareness-raising campaigns;
3. take steps to include issues such as gender equality and non-violent conflict resolution in interpersonal relationships in teaching material;
4. set up treatment programmes for perpetrators of domestic violence and for sex offenders;
5. work closely with NGOs;
6. involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect.”

2.17 The Istanbul Convention emphasises the need for support and responsibility of all members of society, in particular men and and boys, to achieve its goals. Violence against women is pervasive because misogynistic attitudes towards women persist and the individual plays an important role in challenging **gender stereotypes, harmful traditional practices and discrimination** against women. It is only by achieving real gender equality that violence against women can be prevented.

2. Protection

2.18 The Convention recognises the importance of providing victims and witnesses with protection and support when preventive measures have failed and violence incidents have happened. This means police intervention and protection as well as specialised support services are required. It also means making sure that general social services understand the realities and concerns of victims of domestic violence and violence against women and support them accordingly in their quest to rebuild/resume their lives.

2.19 Some examples of measures set forth in the Convention include: Granting the police the **power to remove a perpetrator** of domestic violence from his or her home, ensuring access to **adequate information** after experiencing violence, setting up **easily accessible shelters** in sufficient numbers and in an adequate geographical distribution, installing 24/7 **telephone helplines** offering immediate expert advice free of charge and setting-up **easily accessible rape crisis** or sexual violence referral **centres** (providing immediate medical counseling, trauma care and forensic services).

2.20 It should be borne in mind that there are insufficient protection structures and support services for victims. It is equally important to make sure victims are informed of their rights and know where and how to get help.¹² The Istanbul Convention also includes provisions which take the **particular situations of ethnic minorities and different cultures** into account. One example is Article 42, which details ‘Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour” ‘ as well as justifications based on culture, custom, religion and tradition. Another example is its Article 38, which deals with Female genital mutilation (FGM).

3. Prosecution

2.21 The Convention defines and criminalises the various forms of violence against women including domestic violence. This is one of the many achievements of the convention. To give effect to the convention, state parties will have to introduce a number of new offences where they do not exist, such as forced marriage in the case of Northern Ireland. In addition, state parties will need to ensure that culture, tradition or so-called “honour” are not regarded as a justification for any of the above-listed courses of conduct.

2.22 State parties then have to take a range of measures to ensure the effective investigation of any allegation of violence against women and domestic violence. Beside appropriate law enforcement and judicial responses, the risk of further violence needs to be assessed to adequately protect the victim.

4. Integrated policies

2.23 The Convention is based on the premise that no single agency or institution can deal with violence against women and domestic violence alone. The convention therefore asks state parties to implement comprehensive and co-ordinated policies involving government agencies, NGOs as well as national, regional and local parliaments and authorities. The aim is that policies to prevent and combat violence against women and domestic violence are carried out at all levels of government and by all relevant agencies and institutions. This can, for example, be done by drawing up a national plan of action that assigns each agency a particular role to take on or

¹² Council of Europe. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) - The Convention in brief. URL: http://www.coe.int/t/dghl/standardsetting/convention-violence/brief_en.asp [accessed 16.4.2014]

task to fulfil. Research shows that results are improved when law enforcement agencies, the judiciary, NGOs, child protection agencies and other relevant partners join forces on a particular case.

5. Monitoring

2.24 Once the convention enters into force, a group of independent experts called the GREVIO will measure the extent to which state parties have implemented the Convention. Using a report-based procedure, the GREVIO will assess the different measures a state party has taken to give meaning to the convention. Similar to the UN reporting mechanisms, state reports may be supplemented by information from NGOs. The GREVIO may also travel to the country in question for an inquiry in cases where it sees this as necessary. On the basis of the information at its disposal, the GREVIO may adopt reports and conclusions aimed at helping the state party to better implement the convention. It may also adopt general recommendations addressed to all state parties.

2.25 In addition to the GREVIO, a second entity composed of the representatives of the parties to the convention will be set up: the Committee of the Parties. Its tasks will include, among others, electing the members of the GREVIO and issuing recommendations to state parties concerning the measures to be taken in order to implement the conclusions of the GREVIO.¹³

D) EU Victims Directive

2.26 The EU Victims' Directive establishing minimum standards on the rights, protection and support of victims of crime must be transposed into domestic law by 2015. It seeks to ensure all victims receive 'recognition and respect, protection, support, access to justice, compensation and restoration'¹⁴. The Directive recognises the acute vulnerability and specific needs of victims of gender-based violence, sexual violence and intimate partner violence, emphasising the importance of special measures to mitigate the high risk of secondary victimisation within the criminal justice system¹⁵.

E) EU Gender Equality Directive

2.27 The EU Gender Equality Directive (recast) prohibits specific forms of violence such as sexual harassment. It recognises that sex discrimination includes harassment and sexual harassment or less favourable treatment resulting from response to such conduct. Such conduct can never be objectively justified. Article 2(1)(c) of the Recast Directive states that 'where unwanted conduct related to the sex of a person occurs

¹³ Council of Europe. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) - The Convention in brief. URL:

http://www.coe.int/t/dghl/standardsetting/convention-violence/brief_en.asp [accessed 16.4.2014]

¹⁴ <http://epthinktank.eu/2013/10/31/strengthening-victims-rights-in-the-eu/>

¹⁵ http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf p11

with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment'. The threshold for harassment is met 'where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment'.

3. Definitions

3.1 It is essential to strengthen links across a range of policies and services such as education and early intervention, health and social care, housing, culture and arts, and the justice system. In addition, is the system sure that it has addressed the information needs in terms of ethnic diversity, age, sexual orientation, faith, and disability.

3.2 In this section we would like to provide our answers for three of the questions from the consultation questionnaire after one general comment. Our response after responding to the questions 2a, 2b and 4 will be structured differently, for reasons explained in the answer to questionn 4 below. Regarding the strategy as a whole, NICEM would like to point out that no definitions have been provided for what **“culture”** and **“ethnicity”** mean. These terms can be understood very differently, and we would therefore urge the DHSSPS and DOJ to allow for sufficient elaboration on these terms and more explicit descriptions within the action plans. Ideally, this elaboration would be part of the **responsibilities of an ethnic minority sub group** of the Regional Strategy Group on Domestic and sexual violence.

Definition of Domestic Violence

3.3 NICEM is generally satisfied with the definition of domestic violence and abuse. However, we do have concerns regarding some of the supporting text in section 2.

3.4 Firstly, NICEM asks for section 2.51 of the strategy to be amended as it fails to mirror the reality of the gender-relations shown as an important factor in cases of domestic and sexual violence within research. Women can perpetrate violence, and men and boys can be victims of violence at the hand of both sexes, but the results of various studies show that violence against women is predominately perpetrated by men. This is overwhelmingly the case when it comes to sexual violence and sexual harassment.¹⁶ We therefore support Women's Aids recommendations in their consultation response regarding section 2.51 of the strategy.

3.5 Secondly, section 2.47, which states that “domestic violence and abuse can be a single incident”, should be amended. Considering the nature of domestic violence,

¹⁶ see for example FRA (2014) Violence against women: an EU-wide survey - Survey background and objectives, p.7

which as the next sentence of the strategy acknowledges is ‘usually frequent and persistent’, as well as a ‘pattern of behaviour’, it seems unnecessary and potentially misleading to start the paragraph with reference to a single incident. Indeed, it is crucial to note that female victims of domestic violence are on average attacked 35 times prior to reporting the abuse to PSNI¹⁷.

3.6 Thirdly, NICEM support the suggestions from Women’s Aid regarding the restructuring of the list of examples of abusive behaviour (section 2.49 of the strategy), which is outlined in Women’s Aid’s response under points 2.a.4, 2.a.5. and 2.a.6.

Definition of Sexual Violence

3.7 We generally endorse the definition adopted on sexual violence and abuse, but again we would like to comment on some of the supporting text. NICEM recommends to amend Section 2.58 of the strategy, as by trying to emphasise male and female experiences of sexual violence it fails to acknowledge the evidence-based finding that domestic and most of all sexual abuse and violence are committed far more often by men with women being the victim. In Northern Ireland for example, research shows that approximately 1 in 4 women have, or currently experience domestic violence.¹⁸ Although the level of reported domestic violence against men has increased significantly over the last years¹⁹, it is still far below this figure. The section should be amended to include a clear statement acknowledging females as constituting the majority of victims and the majority of perpetrators are male. A gendered understanding of the nature of such violence is essential in providing an adequate strategy for tackling it.

Key Strands of the strategy

3.8 NICEM sees some problems with the current key strands of the strategy. For example, strand 2 (Prevention and Early Intervention), strand 3 (Delivering Change) and strand 4 (Support) overlap, which is in places confusing and likely to cause uncertainties for the drafting and implementation of future action plans.

3.9 Whilst we know the structure for this strategy is in place and is unlikely to be significantly modified at this point in the process²⁰, NICEM would recommend for the document to use the **5 strands of the Istanbul Convention** as orientation. These are

¹⁷ <http://www.u.tv/News/Highest-ever-domestic-violence-reports/d382ca50-dcdf-47a2-8afc-3244d9f51779>

¹⁸ Womens Aid Federation Northern Ireland (2014) Domestic violence statistics. URL: <http://www.womensaidni.org/domestic-violence/domestic-violence-statistics/> [accessed 23.4.2014]

¹⁹ Belfast Telegraph (October 2013) Domestic violence against men at its highest level in Northern Ireland since police began recording statistics. Claire McNeilly. URL: <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/domestic-violence-against-men-at-its-highest-level-in-northern-ireland-since-police-began-recording-statistics-29707051.html> [accessed 23.4.2014]

²⁰ On advice how the current key strands could be made clearer without changing them entirely, please see consultation response by Womens Aid.

Prevention, Protection, Prosecution, Integrated Policies and Monitoring and NICEM **recommends that the accompanying action plan for the ethnic minority subgroup of the RSG should be structured around these strands.**²¹

The next 5 sections of this consultation response will therefore be structured around the 5 strands of Istanbul Convention.

4. Prevention

4.1 Resources must be dedicated to prevention. **An ethnic minority sub group of the Regional Strategy Group on Domestic and sexual violence should be established** to address the many and complex issues that are faced by BME women experiencing domestic/sexual violence. This should be a multi-agency group with representation from ethnic minority community members. The terms of reference should be formulated to promote BME participation and the sufficient allocation of resources²².

4.2 The Convention on preventing and combating violence against women and domestic violence (**Istanbul Convention**) is a European regional instrument and complements and **expands the standards set by other regional human rights organisations**, such as CEDAW, in this field.²³ The UK has been urged by the CEDAW Committee to ratify the Istanbul Convention and increase efforts to achieve the international minimum standards it contains. The UK government has shown an intention to ratify the Convention and therefore the development of this strategy presents Northern Ireland with the opportunity to incorporate key elements in preparation for the ratification of the Convention. NICEM would highly recommend this as a chance to increase the protection of victims and potential victims in Northern Ireland.

4.3 This would **call for a strong focus on prevention**, which is evident in the Istanbul Convention's Chapter III, Articles 12 – 17. Currently, the strategy has some weaknesses in the area of prevention. We have therefore outlined the **provisions of the Istanbul Convention in this area below**, with particular references on what the strategy needs to improve on.

Education, Training and Awareness Raising

4.4 The lack of political awareness of the difficulties faced by ethnic minority domestic abuse victims has been particularly highlighted in a "Questions that Matter" event organised by the All-Party Group on Ethnic Minority Communities in Autumn 2013, in which three cross-party politicians expressed shock at learning that women with insecure migrant status cannot access benefits to fund refuge from violent

²¹ see previous section for elaboration of this

²² resourced participation, mention relevant CEDAW article, BME women should be empowered to take key role

²³ Council of Europe Committee of Ministers. Council of Europe Convention on preventing and combating violence against women and domestic violence. Explanatory report. CETS No. 210. URL: <<http://www.conventions.coe.int/Treaty/EN/Reports/Html/210.htm>> [accessed 23.4.2014]

partners. This situation is exacerbated by the fact that the OFMDFM Crisis Fund has not been operational in the last financial year.

4.5 Article 12 of the Istanbul Convention addresses **general obligations** of States parties to the Convention, and emphasises the need to “take the necessary measures to **promote changes in the social and cultural patterns of behaviour of women and men** with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.” (section 1) This includes “legislative and other measures to prevent (...) violence (...) by any natural or legal person” (section 2). The provision demands that **special attention** needs to be given to **vulnerable groups**, as well as the empowerment of women (section 6) and the protection of (human rights of) victims. (section 3) It also points out the need to “encourage all members of society” to take responsibility (section 4) and addresses the particular situations of ethnic minorities in section 5, as it states: “Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.” The Beijing Declaration and Platform for Action also seeks to ensure that state authorities ‘refrain from invoking any custom, tradition or religious consideration to avoid their obligations’ to eliminate violence against women²⁴. Indeed, the Beijing Declaration and Platform for Action urges state authorities to ‘adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women’²⁵.

4.6 Whilst the Strategy does refer to the changing of cultural patterns and the role of various statutory and voluntary bodies and media, it does not provide sufficient guidance over how this can be achieved. Furthermore, the proposed ‘life course approach to primary prevention and early intervention’ references older people and those with disabilities as vulnerable groups, whilst neglecting the unique vulnerability and specific needs of ethnic minority women.

4.7 In this regard, the Strategy proposes an integrated public "Information Plan" (4.20), which NICEM welcomes. However, it should be revised and updated to take into account the particular situation of vulnerable groups such as BME women. A lack of focus on this group is also likely to occur in relation to 4.15 and 4.17, which outline the need for up to date information on how our changing society views domestic and sexual violence and abuse to allow the development of effective awareness raising campaigns.

4.8 Article 13 promotes **awareness raising** campaigns or programmes facilitated by the State, ideally in co-operation with specialised institutions from different fields (human rights, womens groups, etc). This should include preventative services and is

²⁴ Beijing Declaration and Platform for Action, Strategic Objective D, para 24(b)

²⁵ Beijing Declaration and Platform for Action, Strategic Objective D, para 24(k)

aimed at “increasing awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.” (section 1)

4.9 Article 14 Istanbul Convention promotes the development of “**teaching material** on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity”. These should be presented in an age-appropriate way and carried out on a broad scale, (section 1) meaning also in informal educational facilities, sports, cultural and leisure facilities and the media. (section 2)

4.10 NICEM welcomes the focus of the strategy on preventative measures within the **education system**, partly due to its potential to reach most every young person in the country (which was pointed out as significant by the BME Women’s Network). However, to take advantage of this fact, the programmes need to be implemented in the statutory curriculum for all primary and secondary schools rather than as projects in some sample schools.

4.11 It is vital that Priority 8 of the Strategy on sensitisation of teachers to respond to children in distress should be strengthened. Reporting incidents of suspected domestic violence should be mandatory for teachers and school nurses. Indeed, it should be a legal requirement that a child at risk is referred to the PSNI and social services²⁶ NICEM endorse Priority 9. However, it is essential that a toolkit is developed for school management to assist in responding to the threat of domestic violence. This should inform the Continuing Professional Development (CPD) of teachers. The toolkit should be rapidly disseminated to schools as a pre-emptive measure, particularly with the heightened vulnerability of girls to FGM with the onset of ‘cutting season’ in the summer recess period. Awareness-raising campaigns (i.e. posters, educational materials etc) should be initiated to target schools with high volumes of newcomer children.

4.12 NICEM thoroughly support Priority 10 on quality assurance arrangements, and recommend that education on the warning signs and harm of domestic violence should be mainstreamed into the national curriculum across a range of subjects. The NSPCC ‘Pants’ Campaign and recommendations within the ETI Report on the ‘Evaluation of Relationships and Sexuality Education (RSE) in Post-Primary Schools’ should be highlighted as good practice models for delivering a critical message in child friendly language which can form part of an early intervention strategy²⁷.

4.13 Educational programmes and life skills classes should seek to empower girls at risk with knowledge and confidence to respond to the threat of domestic violence and challenge cultural norms which perpetuate gender inequality. School counsel-

²⁶ <http://www.familylawweek.co.uk/site.aspx?i=ed127692>

²⁷ http://www.nspcc.org.uk/help-and-advice/for-parents/keeping-your-child-safe/the-underwear-rule/the-underwear-rule_wda97016.html

lors, education welfare officers and child protection leads may be well placed to deliver training or interactive activities. NICEM endorse the recommendation of the Department of Finance and Personnel in its Multi-Agency Practice Guidelines on FGM that contact information for the NSPCC, Childline and 24 hour domestic violence Helplines should be provided to at risk pupils, alongside access to a private telephone on the school premises. This would assist in promoting compliance with Article 24 of the Istanbul Convention which urges State Parties to ‘take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention’.

4.14 We furthermore support the Eastern Domestic Violence Partnership in their consultation response to question 5b, which mentions the “Helping Hands” initiative in Primary Schools, which should be continued. We also support their call for commitment to a similar programme for Secondary Schools such as the “Heading For Healthy Relationships” initiative.”

4.15 Article 15 calls for an increase in the efforts to **train professionals** working in some way with victims or perpetrators of violence appropriately, for example in relation to the prevention of secondary victimisation. (section 1) It stresses the importance of training and co-ordinated multi-agency co-operation. (section 2) This recommendation is complemented by the Beijing Declaration and Platform for Action urges state authorities to ‘create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured’²⁸.

4.16 The Strategy deals with the standardisation of training in Strand 3 of the document only, which indicates that it structures issues differently than the Istanbul Convention, which addresses this issue as part of prevention. Within the BME Women’s network, the members recalled several encounters with social workers they had been referred to regarding experiences with domestic or sexual violence, where a lack of knowledge of this group of professionals to provide for the needs of ethnic minority women was apparent. Anti-racism training for University students on the particular needs of BME groups, on how to be aware of and work with cultural differences, should be compulsory. The BME women’s network emphasised that anti-racism and diversity training should be provided for professionals, such training could provide an opportunity to break down institutionalised and personal prejudice. Initiatives to recruit students from minority backgrounds in particular professions where they may be underrepresented would also help.

4.17 **Specifically trained victims advocates can make a huge difference to victims,** and one member of the women’s network recalled positively how she had been

²⁸ Beijing Declaration and Platform for Action, Strategic Objective D, para 24(n)

supported during police questioning by a specialised professional who spoke her native language. NICEM would encourage the development of a scheme to support specially trained domestic violence advocates akin to the current PSNI hate crime advocate scheme. Such a scheme would enable specific targeted support for the most vulnerable and least likely to seek help. This would boost minority community confidence and encourage reporting of incidences as well as increasing the understanding of agencies of issues specific to BME communities. Any such scheme must be adequately resourced.

4.18 It is apparent that monetary resources are restricted, and we see this as one more reason to establish a government subgroup on Domestic and Sexual Violence as such a sub group can advise on whether current resources are being spent adequately. NICEM would also like to emphasise with regards to section 4.24 of the strategy (prevention strategy programme) that an additional reference for the need to enable easy access to interpreters/translators to avoid barriers for BME women (and men) would be welcomed. Funds should be dedicated to ensure that interpreters can be trained appropriately on human rights standards.

4.19 The Istanbul Convention also holds that States parties shall provide **preventive intervention and treatment programmes**, for example support programmes **to prevent re-offending** by perpetrators of domestic or sexual violence. (Article 16, section 1 and 2) Such programmes should be set up with a primary concern being the victims and “implemented in close co-ordination with specialist support services for victims.” (section 3) The strategy does outline that such measures have been put in place (see 2.81) through the Home Office Accredited Integrated Domestic Abuse Programme (IDAP) to reduce re-offending by convicted adult male domestic violence offenders. NICEM also recognise the ongoing development of a similar programme for alleged male perpetrators of domestic violence and abuse within prevention strand (4.131 + 4.132).

4.20 In terms of reducing recidivism in the sphere of domestic and sexual violence, Article 15 of the Convention insists State Parties ‘provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence’. In addition, Article 16 provides that (1) State Parties ‘take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns’ and (2) that ‘the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

4.21 Article 17 of the Istanbul Convention calls on States parties to promote the “**participation of the private sector and the media**” in implementing policies and setting “guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity”. (section 1)

Insufficiency of Funding

4.22 It is recommended that specialist services that are commissioned by the statutory sector are provided by voluntary/community sector organisations which can also include a range of more specialist services provided to children, parents, older people, ethnic minority and LGBT groups. To support the effectiveness of service delivery, funding should be sufficient and should be ring-fenced. Indeed, the UN Special Rapporteur on Violence Against Women, on the basis of her Country Mission to the UK in March 2014, has highlighted that ‘third sector service providers working at the community level are now forced to devote more time and human resources to comply with more burdensome fundraising, bidding, and reporting processes’ and as a result are forced to make drastic cuts to frontline services. Indeed, it was noted that ‘additional duties undertaken by third sector organizations, such as in their involvement in Multi Agency Risk Assessment Conferences (MARAC’s) is not accompanied by more government funding’ and that this needed to be examined closely to identify potential adverse impacts against BME women²⁹.

4.23 **Article 8** of the Istanbul Convention urges State Parties to ‘allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society’. Indeed, the Istanbul Convention emphasises the fact that sufficient **financial as well as human resources** need to be provided to ensure effective implementation of preventative strategies. This includes funding for non-governmental organisations and civil society which are facilitating the realisation of policies, measures and programmes.

4.24 **The current draft of the Strategy is weak in this regard, as it lacks a clear commitment for funding**, not even to mention figures on what should be expected to finance the implementation of the new strategy in the future. In contrast, in England, the Home Office and the Ministry of Justice have pledged to provide direct, ring fenced funding to specialist services to facilitate the implementation of the “Violence Against Women and Girls Action Plan”. (p.94)

4.25 NICEM welcomes that a section has been dedicated to “The cost of Domestic and Sexual Violence and Abuse in Northern Ireland”, as this emphasises the awareness of the grave consequences of domestic and sexual violence. We hope that based on this acknowledgement **prevention** of domestic and sexual violence will **be prioritised in particular, to avoid the high costs** it results in. Studies demonstrate that in the long term, effective prevention provides the potential to save resources. However, we feel that another **section needs to be introduced**, which is dedicated to **how the strategy will be resourced**, meaning what financial as well as human resources are expected to be required to implement the strategy and how will these be provided.

²⁹http://gallery.mailchimp.com/6d6f0f3015d0d24a616ee4c72/files/Final_press_statment_UK_15_Apr_VAW.pdf

4.26 This section would be strengthened by the inclusion of a commitment from senior management of key agencies and organisations to realising the strategy, as was called for within the consultation response by the South Eastern Domestic Violence Partnership. (see their answers to Questions 5 A & D)

Art. 20 Istanbul Convention furthermore states that

“Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.”

Currently, the funding for services providing help and support to domestic violence victims in Northern Ireland is insufficient to achieve the goals of the new strategy.

4.27 Such funding should incorporate initiatives to assist in preserving the existence of valuable voluntary networks such as the BME Women’s Network and the establishment of new groups for emerging communities. There is a **lack of resourced infrastructure for minority women** and minority women’s groups in NI. As such there are very limited forums in which minority women can discuss issues of violence and as such there is limited community leadership conveying distinct issues to policy makers and government. Community groups also provide much needed relief from isolation. Ethnic minority women are less likely to have family and friend support systems and are therefore more prone to isolation, community groups can relieve such isolation and prevent substance abuse/mental health issues developing as a result of the isolation of feeling trapped in an abusive relationship.

5. Protection

5.1 Ethnic minority women, **by virtue of their immigration status, often have no recourse to public funds**, this means that many face destitution if they leave a violent partner as they are not entitled to housing benefit to secure a place in a refuge. Indeed, the Strategy drastically needs to be strengthened in relation to welfare and housing support. Women with no recourse to public funds are not eligible for housing benefit or homelessness assistance. This should be addressed in order to promote compliance with Article 23 of the Istanbul Convention which calls for ‘necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children’.

5.2 Furthermore, the eligibility criteria and evidential requirements attached to the Domestic Violence Rule under Immigration Rules are exclusionary and do not provide sufficient protection to the majority of BME victims. They should be amended to ensure the burden of proof is a reasonable threshold for victims to meet. Indeed, the

evidential criteria must be cognizant of the trauma and distress experienced by victims who have often been subject to diffuse forms of sexual and domestic violence and abuse. In addition, the prohibitive cost of applications for indefinite leave to remain (ILR) for victims of domestic violence leaves BME women with insecure immigration status acutely vulnerable. Fee waivers are only granted when a woman is capable of demonstrating that she is 'destitute' and 'totally reliant on third party support'. Women who do not meet this criteria may be forced to remain in the abusive relationship at considerable risk to save sufficient funds to meet the costs of the ILR application, and must pay additional fees to ensure their dependent children are entitled to remain in their care. Indeed, tragically, Hansard figures reveal that over a five year period 67 per cent of applicants are unsuccessful.

5.3 Moreover, it is clear that insufficient measures are being taken to challenge the perpetuation of gender roles and stereotypes which portray women as financially dependent on men, which are reinforced through existing policies, such as social security entitlement and employment protections. CEDAW General Recommendation no19 reiterates that the 'the lack of economic independence forces many women to stay in violent relationships'. Indeed, additional deficiencies persist in the social security system should be resolved to ensure that victims of domestic violence are able to access child benefit entitlements if the initial claim was processed under the male partner's name.

5.4 To address issues around homelessness and insecure immigration status, Article 59 of the Istanbul Convention requires State Parties to 'take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law'.

5.5 The Strategy also overlooks key protection measures being utilised by the Northern Ireland Housing Executive, including the sanctuary scheme keep families safe from domestic violence including the installation of a panic/safe room, prefinished external door set, intumescent strip, Euro profile locks, steel hinges, hinge bolts etc, collapsible security grills where appropriate, external wall mounted letter box, smoke alarms and fire home safety pack. Including reference to these measures within the Strategy would help to raise awareness of their visibility.

5.6 The specific vulnerability of certain ethnic groups should be recognized and services tailored accordingly, notably **Traveller, Roma and refugees/asylum seekers. The protection of children**, who are victims of violence and/or who have parents who are victims should be accounted for in the strategy. Within the All Ireland Traveller Health survey study, violence against women was highlighted as a factor impacting on the health of the Traveller community in addition to higher rates of mental health issues and suicide. The study emphasises that domestic violence is not a 'Traveller issue but a gender issue'; however, this group experiences barriers to ac-

cess services for example, 'if a rule says no men but a woman has a teenage son then she may not be able to use the place'. (p.127-128) Furthermore, the study indicates that 'minority ethnic women were identified as at increased risk of domestic abuse but less likely to report to the police'. Indeed, 'Traveller women were identified as being 3 times more likely to suffer but still less likely to report'³⁰.

5.7 Recent research into child sexual exploitation undertaken by Barnardos, '*Not a world away*' *The sexual exploitation of children and young people in Northern Ireland (2011)* highlights that whilst 'no young person is immune from sexual exploitation, particular life experiences are associated with increased risk' to which a greater proportion of women (21.7 per cent for females and 13.9 per cent for males) are represented which include³¹:

- prior (sexual) abuse or neglect
- family dysfunction (domestic violence, family breakdown, parental drug or alcohol misuse etc)
- being in care (multiple placement moves, rejection, lack of positive attachments, peer introductions to exploitative adults etc)
- going missing or running away from home or a care placement
- substance misuse
- disengagement in education
- social isolation and/or low self-esteem.³²

5.8 NICEM endorse the findings that no single agency is capable of responding to these diffuse issues and a multi-agency response should be adopted to 'proactively identify and address known vulnerability factors in order to minimise future risk'. This would include targeted measures which focus on BME women.

5.9 The Strategy should also be sensitised to **key protection measures** envisaged under Article 56 of CEDAW.

Article 56 – Measures of protection

1 Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

a providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;

b ensuring that victims are informed, at least in cases where the victims and the

³⁰ (Translating Pain into Action Women's Health Council, February 2009 - see 115 WHC (2009) *Translating Pain into Action*, Available at: http://www.womensaid.ie/download/pdf/whc_gender_based_violence.pdf (Accessed: 24 October 2013).)

³¹ http://www.barnardos.org.uk/13932_not_a_world_away_full_report.pdf p32

³² http://www.barnardos.org.uk/13932_not_a_world_away_full_report.pdf p4

family might be in danger, when the perpetrator escapes or is released temporarily or definitively;

c informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;

d enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;

e providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;

f ensuring that measures may be adopted to protect the privacy and the image of the victim;

g ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

h providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

i enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2 A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

6.Prosecution

6.1 The utmost must be done to ensure the criminalization of violence against women. In contrast to the rest of the UK, **forced marriage is not criminalised in NI**. We are deeply concerned at the impact of differential standards of law in the devolved regions; the DOJ must ensure that the substantive law provisions within the Istanbul Convention are incorporated in to domestic legislation. **Indeed, Article 37 of the Istanbul Convention** urges state authorities to 'take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised'.

6.2 Law enforcement agencies must collect evidence and assess the risk of further violence to adequately protect the victim. NICEM finds it deeply concerning that some public bodies, most notably the Public Prosecution Service are not recording statistics on ethnic backgrounds since they were not obliged.³³ At present, the failure to ensure **rigorous data collection and monitoring of BME victims of domestic violence**, makes it difficult to undertake targeted measures or dedicate sufficient resources to address their needs through prevention and protection activities. Indeed, unlike the Crown Prosecution Service in England and Wales, the Public Prosecution Service (PPS) do not record disaggregated data on the ethnicity or nationality of offenders and victims of domestic or sexual violence. Indeed, there are no targeted measures in the Equality Scheme for the Department of Justice on addressing the needs of BME women and domestic violence. Furthermore, whilst the Sexual Assault Referral Centre (SARC) provides a much-needed holistic service for victims of sexual violence, which includes the provision of specialist medical attention, specific support and specialised evidence gathering, NICEM emphasise the need for data to be gathered on the ethnic background of gender-based violence cases and feels that SARC should be resourced to develop a template for doing so. Indeed, there should also be a coordinated approach between the Sexual Assault Referral Centre (SARC) and the PSNI in terms of gathering comprehensive data on the ethnic background and nationality of victims.

6.4 The Public Prosecution Service should formulate an **Action Plan** with performance indicators to increase prosecutions for FGM related offences. The Crown Prosecution Service Action Plan should be consulted as a good practice model.

7. Integrated policies

7.1 No single agency or institution can deal with domestic and sexual violence alone, an **effective response to the issues requires comprehensive and coordinated policies** involving government agencies, NGOs as well as other national, regional and local bodies and authorities, including the home office. The aim is that policies to prevent and combat violence against women and domestic violence are carried out at all levels of government and by all relevant agencies and institutions. The experience from countries where this is already being done shows that results are improved when law enforcement agencies, the judiciary, NGOs, child protection agencies and other relevant partners join forces on a particular case.³⁴

7.2 The DHSSPS and DOJ also have the important task to co-ordinate the domestic and sexual violence strategy with other key policies that are currently being developed, particularly the Racial Equality Strategy and Gender equality Strategy and

³³ See our 2013 research for further details; <http://nicem.org.uk/wp-content/uploads/2014/03/PRBMEWEDVNI-1.pdf>

³⁴ Council of Europe. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) - The Convention in brief. URL: <http://www.coe.int/t/dghl/standardsetting/convention-violence/brief_en.asp> [accessed 16.4.2014]

other guidelines and policy concerning human trafficking and the Multi-Agency Practice Guidelines on FGM. It is essential that closer attention is paid to coordinating the implementation of these parallel strategies to strengthen protections against domestic violence and raise awareness over multiple discrimination and intersectionality. At present, these strategies lack correlation and often operate in isolation. This approach diminishes the level of protection afforded to the most vulnerable and marginalised sections of society.

7.3 A current **lack of a coordinated, overall response** for the implementation of equality issues **within the UK was noted by the CEDAW Committee** in 2013, as it recommends that:

“the State party ensure that the Government Equalities Office has a dedicated section for the coordination of gender equality in all parts of the State party. It reiterates its previous recommendation that the State party develop and adopt a unified, comprehensive and overarching national strategy for the implementation of the Convention throughout its territory. (...)”

7.4 At the meeting between the BME Women’s Network and the DOJ, it was made clear that many of the issues particular to BME women in domestic and sexual violence cases do not fall within the power of Northern Irish Departments, but are central governmental issues, most notably issues of immigration. These are subject to the Home Office, however, they play a very decisive role for women with a different nationality when trying to access services (see No recourse to public funds etc. throughout this document). NICEM therefore urges the departments to not only establish good relations, co-operations and communications with organisations in Northern Ireland, but to find a dialogue with **centralised agencies, such as the Home Office**, in cases of domestic and sexual violence, especially where fast decisions are needed.

7.5 The BME Women’s Network pointed out a **lack of infrastructure** for minority women and minority womens groups in Northern Ireland, which can lead to problems for victims, as they would find it easier to engage with such groups. Also, issues particular to other cultural backgrounds, such as FGM have not been acknowledge sufficiently within Northern Ireland, as for example regarding FGM, doctors do not have sufficient knowledge to treat women affected appropriately, and there is also no strategy in place to advise them on how to deal with such cases. While NICEM welcomes that policy development regarding FGM is ongoing we regret that this and other issues such as honour killings are not featured in the strategy on domestic and sexual violence.

7.6 To emphasise the need for better coordination in domestic and sexual violence cases and the need to increase the willingness for support services and statutory agencies to help victims in very difficult situations, NICEM would like to **outline the case of one of our clients**. Please find the full-length case description in the Annex (Case 1). It exemplifies how **over the past two years, virtually every statutory agency engaged with**, meaning the PSNI, Health and Social Services, Housing Execu-

tive, Social Security Agency and the Criminal Justice System, have **completely failed** one of our clients; a **female migrant worker** from one of the A8 countries.

7.7 After our client was brutally raped and beaten for hours by two men in her Housing Executive property in 2011, which resulted in serious long-term injuries and trauma, the **Housing Executive** failed to refer her to the Supporting People Programme, as it is policy for vulnerable tenants, and later denied her a transfer to a different home. She was furthermore denied help in getting a new key to her house after she had lost access to her property for several months, mainly due to alleged anti-social behaviour, which resulted in her being **coerced into signing her withdrawal of her tenancy** from her Housing Executive property. (The court case regarding her anti-social behaviour was dismissed at a later stage.)

7.8 During a meeting with the **manager and assistant manager of the Housing Executive** to discuss our client's case, they were reluctant to engage and unwilling to provide any support. Our client had not been referred to other support services and we were informed after questioning this failing that she had allegedly refused support. When we asked what kind of **support had been offered** it turned out to have been a **ticket "home"** to her country of origin. The Housing Executive had effectively criminalized a vulnerable woman rather than offering support, and additionally even banned her from Social Housing provision Province wide for no good reason. The Housing Executive used accusations of anti-social behaviour (different ones than in the court case mentioned) as an excuse why our client could no longer be considered for social housing, even though the managers also told us they could not be certain our client was at fault.

7.9 In addition, our client had not been receiving any benefits for a couple of months, due to failings from her side which occurred after a renewed traumatization by the death of both her parents within a 3 month period and a lack of support. When trying to address this benefits issue, it firstly proved very difficult to persuade the local **Jobs and Benefits office** to let our client **use an interpreter service (they refused this at first)**, she was then not allowed to receive job seekers benefits again, which had been taken away due to her behaviour. In the end her support worker could only get her benefits in payment instead of the more appropriate Employment and Support Allowance benefit, despite the office knowing about the clients' vulnerability. There was no offer of further support for her.

7.10 Our client was suffering from financial hardship and homelessness, and had to resort to living with different male "friends" in order to survive. She also **did not have a social worker** or any involvement/support **from Health and Social Services** to support her through the court case and the trauma she suffered. Further failings could be identified on the side of the **PSNI and the PPS**, as the victim **had not had any communication** from them **regarding her court case** and did not know if her perpetrators had been released from prison.

7.11 Our client was struggling with alcohol misuse and the "friends" she was associating with. We also discovered that her **GP had not referred her to Social Services**, despite NICEM having asked for this. After she was finally referred, she was **referred**

to the Physical Disabilities Team rather than the Mental Health Team. When she was finally referred to the Mental Health Team, they **informed us that there would not be much they could do** to help our client and she would **probably be discharged.** Fortunately, after our **intervention,** our client was able to receive services for a couple of months.

7.12 The decision was made to get our client into a safe house, where she settled in after some weeks and has been doing very well. It was then possible to reinstall her Employment and Support Allowance benefit in payment and receive information regarding the court cases via her solicitor. However, our client had to suffer **retraumatization** soon again, due to one of the perpetrators involved in her attack finding her at her friend's house without her ever having been informed that he had been released from prison. The **PSNI** were claiming they could not find our client to update her on the case. However, they knew where to find her after her alleged anti-social behavior.

7.13 We are currently waiting to hear from the PPS regarding our client's court case. Her solicitor has informed us according to the PSNI, our client's alcohol use and her friendship with so many men has been working against her case. We have to ask, how it is possible that the **Criminal Justice System,** which is supposed to protect vulnerable individuals and victims in particular, can also **criminalize her** when she had not been given any support in avoiding her financial and housing dependency on her "friends", which likely had a detrimental influence on her substance abuse.

7.14 Another important aspect of this woman's life is that she has **no support network in Northern Ireland** or back in her home country. Due to the inability and/or refusal to support our client, many **agencies, sometimes knowingly, kept our client trapped in a cycle of dependence on people who were hindering her recovery** and helping her on a continuous downward spiral. Given some support, our client has been able to start putting her life back together. She is now attending alcohol counseling, going to English classes three times a week and looking for employment.³⁵

8. Monitoring

8.1 To ensure that all parties and agencies involved are living up to their obligations under the newly devised strategy on domestic and sexual violence, monitoring is central. This is best facilitated by detailed action plans, which set themselves targets which can also be measured, for example by setting dates for the completion of certain actions.

8.2 NICEM support the establishment of an **ethnic minority sub group** of the Regional Strategy Group on Domestic and sexual violence, which could monitor the progress made regarding the needs of BME communities in particular. In the effec-

³⁵ Case recorded by the Northern Ireland Council for Ethnic Minorities

tive monitoring of the NI strategy, we urge the local government to support the UK's ratification of the Istanbul Convention and to thereby enable the **monitoring of compliance by the Council of Europe's associated group of experts**. Reporting to this group, the GREVIO, would supplement the monitoring process under CEDAW and allow for a critical feedback with a focus on human rights to be received regularly, which will allow the UK and Northern Ireland to address issues better and find loopholes in the support system.

8.3 GRETA (the Group of Experts on Action against Trafficking in Human Beings - Council of Europe) is responsible for 'monitoring implementation of the *Council of Europe Convention on Action against Trafficking in Human Beings* by the Parties' and represents a good practice model which can be replicated by GREVIO³⁶. GRETA 'regularly publishes reports evaluating the measures taken by the Parties and those Parties which do not fully respect the measures contained in the Convention will be required to step up their action'. Such work provides a good practice basis and an example of how GREVIO would interact in NI.

9. Conclusion

9.1 We greatly welcome the initiative to develop a domestic and sexual violence strategy, we see this as a valuable opportunity to address the often forgotten needs of ethnic minority women experiencing violence. It is also an opportunity to ratify and implement the Istanbul convention and ensure that all victims of domestic and sexual violence are able to realize their human rights. We would urge the government to incorporate the recommendations raised in this submission and also our 2013 research report written by Professor Monica McWilliams and Priyamvada Yarnell "The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland".³⁷

For further information on this submission please contact;

Helena Macormac
Strategic Advocacy Project Manager
The Northern Ireland Council for Ethnic Minorities
1/F Ascot House
24/31 Shaftesbury Square
Belfast BT 27DB

Helena@nicem.org.uk

+44 (0)28 9023 8645

³⁶ http://www.coe.int/t/dghl/monitoring/trafficking/docs/monitoring/GRETA_en.asp

³⁷ available at <http://nicem.org.uk/wp-content/uploads/2014/03/PRBMEWEDVNI-1.pdf> or hard copies can be requested from NICEM

Annex:

Case Study 1

We have written this case study to exemplify how over the past two years, virtually every statutory agency in Northern Ireland has failed one of our clients; a female migrant worker from one of the A8 countries. This case study will specify how the PSNI, Health and Social Services, Housing Executive, Social Security Agency and the Criminal Justice System have all completely failed this woman.

In 2011, our client was brutally raped and beaten for hours by two men. The attack took place in her Housing Executive property. In addition to the trauma she suffers from, due to her injuries, she now has no sense of smell, diminished hearing and has also developed tinnitus.

When we first met our client nearly a year after this attack, she was homeless. She was having difficulty getting back into her Housing Executive accommodation. She had lost her keys and she told us the Executive were refusing to provide her with new keys. When we intervened and spoke to the Housing Executive, they informed us that due to alleged anti-social behavior on her part, they were discussing whether she would remain being a tenant. A couple of weeks later the client came to us and reported that she had been forced to sign a document at the Housing Executive. She told us she did not want to sign the document without us being present, but the staff told her the document was of no importance and it would be perfectly fine for her to sign it. We discovered it was actually a document stating that she was withdrawing her tenancy from the Housing Executive property. Obviously, they found an easy way to wash their hands of our client.

In addition, our client had not been receiving any benefits for a couple of months. The payments were stopped because she had not signed on for the previous three months after she was traumatized again when both her parents died within a 3 month period. She was therefore living with different male “friends” in order to survive. We were able to get some charitable support in place for her.

Our client had also not had any communication from the PSNI or the PPS regarding her court case and she was afraid that the perpetrators had been released from prison. She did not even have a social worker or any involvement/support from Health and Social Services.

During this first month of knowing our client, we attended an appointment with the local Jobs and Benefits office regarding her job seekers benefit. They initially refused to use an interpreter service and only reluctantly agreed to do so after we persuaded them. We were told that the office knew our client well and due to her behavior had taken her benefit away. This office knew how vulnerable she was,

yet there was no support offered to even help her get onto the more appropriate Employment and Support Allowance benefit.

Fortunately we were able to get her benefits in payment and an appointment with her GP. Her GP was not aware she had been raped. We were told that if the client is not forthcoming with the information with her GP, the PSNI do not inform Health and Social Services. Due to the nature of her attack, it had been widely reported in the news that she had been raped. We still do not know exactly what support she received immediately after the attack, however it seems doubtful that the fact she was raped was a secret. Our client was also told that there was a possibility she has cervical cancer. We are still waiting to the latest results regarding this. While we were at the GP we requested that they refer her onto Social Services to receive support as a vulnerable adult.

During this month, we also met with the manager and assistant manager of the Housing Executive. When we discussed our client's case with them, they were reluctant to engage. When we questioned them about the fact that our client had (until very recently) still been residing in the same accommodation she had been attacked in a year later, they were unable to give us a decisive response. Our client claims that she asked for a transfer twice, but had been refused. When responding to this question, one manager stated that she was surprised our client hadn't wanted to move after "allegedly being raped". The other manager responded by saying he did not have her file in front of him and could not comment. They also informed us that the client had withdrawn her tenancy, not that she had been coerced into signing the statement of withdrawal.

In addition, our client had also just been accused of anti-social behavior and was being brought up on these charges in court. While the court charges of anti-social behavior were brought up by former neighbors and were different to the accusations made by the Housing Executive, the Executive did seem to be very insistent that our client's anti-social behavior was so terrible she could no longer be considered for social housing. The managers vaguely touched on this when they mentioned that there had been some anti-social behavior (such as parties and damage to the house during the period she had lost her keys). Unbelievably, they told us they could not be certain our client was at fault as her neighbors have also been known to have loud parties! The other issue concerned the three weeks when she had lost the keys and had been living with friends. The Housing Executive told us that she had abandoned the house and during this time other people had kicked in the door and caused damage to the house. This behavior does not seem so horrendous or unique that she should not be considered for social housing in the future. It did seem possible that the Executive were aware of the court charges and were somehow using this information against her. Despite being aware of how vulnerable our client was, they did nothing to offer her support, but instead did quite the opposite.

It is Housing Executive policy to refer vulnerable tenants to the Supporting People Programme. Our client was not referred to this group. When we had initially

asked the Housing Executive what support she had received, they responded by saying she had been offered support, but had refused it. What was this support she was offered? A ticket home!! Our client was not given any support by the Housing Executive, instead she was criminalized. In fact, our client has been banned from Social Housing provision Province wide. She was refused in one town, applied in another and was accepted, but was then told that in fact she was banned and was not entitled to this house.

Unfortunately, during the second month we worked with our client she did not sign on for her jobseekers and she again lost her benefit. She was struggling with alcohol misuse and the “friends” she was associating with. We also discovered that the GP had not referred her to Social Services. After she was finally referred, she was referred to the Physical Disabilities Team rather than the Mental Health Team. When she was finally referred to the Mental Health Team, they informed us that there would not be much they could do to help our client and she would probably be discharged. Fortunately, after our intervention, our client was able to receive services from the Mental Health Team for a couple of months.

As she was struggling desperately with alcohol misuse, she always had new male “friends” and at least one of the perpetrators knew how to find her, we decided to get our client into a safe house. After a few tough weeks, she settled in and has been doing very well there since.

During this time we were also able to get the Employment and Support Allowance benefit in payment for our client. We also met with her solicitor (who she found through a friend as she had never had any legal counsel or support). He was able to provide us with updates regarding both the case regarding her attack and her alleged anti-social behavior. Unbelievably, this same week one of the perpetrators involved in her attack had found her at her friend’s house! The solicitor explained that this perpetrator had been released after being in prison for six months and his tag had been removed. No one had informed the client that this had happened. The PSNI were claiming they could not find our client to update her on the case. However, they knew where to find her after her alleged anti-social behavior. Despite the fact there was never a positive ID check carried out (the witnesses stated it was “the blond foreign woman”-our client is not blond), the PSNI found her immediately. The solicitor asked for the PPS to withdraw the case as there was no evidence, but they decided to pursue it anyhow. Fortunately, the case was dismissed.

We are currently waiting to hear from the PPS regarding our client’s court case. Her solicitor has informed us according to the PSNI, our client’s alcohol use and her friendship with so many men has been working against her case. We have to ask, how it is possible that the Criminal Justice System, which is supposed to protect this woman who is clearly extremely vulnerable and has undeniably been viciously attacked, can also criminalize her? We are incredulous at the serious failings of all the statutory agencies involved or not involved in this woman’s life at when she truly needed all of the support available.

Another important aspect of this woman's life is that she has no support network here in Northern Ireland or back in her home country. Her brother died as a young child. She only has an aunt, an ex husband and a small daughter still living in Europe. Since her attack, she has not been able to get home to see her daughter which causes her great distress. Due to the inability and/or refusal to support our client, these agencies sometimes knowingly kept our client trapped in a cycle of dependence on people who were hindering her recovery and helping her on a continuous downward spiral.

Given some support, our client has been able to start putting her life back together. She is now attending alcohol counseling, going to English classes three times a week and looking for employment. She has cut all ties with her previous life and is keen to make positive choices and get control of her life again. She also hopes to have her daughter come visit her this summer. This woman is truly inspirational and we admire her for her strength and ability to look true adversity in the face and conquer it.

(Written by the Northern Ireland Council for Ethnic Minorities)

Case Study 2

It has been a decade of turmoil for me since coming to Northern Ireland in 2001 on a working visa with my husband; I have been faced with so many challenges – from domestic violence to everything. I left my husband in 2005 following the birth of my daughter in 2003 and since then he has made sure that I would live life of hell as he has refused to renew my visa after expiring in 2006, denied the child was his until a DNA test was conducted in 2011, even after that he still refuses to maintain the child even to make passports for her. He has so much rights that I do not have, because he is a citizen, he has filed for divorce and has applied for an order against me to prevent me from leaving Northern Ireland with the child without applying through the court.

What I fail to understand is: How is he allowed by the Home Office/Immigration to have citizenship and I am not, despite working here paying tax and national insurance and been legally residing here over 5 years on a work permit? How does he get away with not maintaining his child despite child support agency being involved in the case from 2006 and me providing them with all relevant information? I am not allowed to leave this country with my daughter, I am not allowed to have citizenship, I am not allowed to work, not allowed to claim benefits, just to live on fresh air. He is going to get his divorce and disappear from the face of this earth and I am still here living under this torment. How long should I live like this –until my daughter is 18? Then she would be an adult and make decisions of the own, then I can leave with my life wasted? I have been homeless, sick; my daughter has been in foster care because I took a nervous breakdown. I am sitting in the house with no heating I get through by charity of friends, donating food, toys, clothes and money. I feel like a prisoner who has no rights!

(The words of a participant at NICEM's 10th April meeting)