



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to UN Special Rapporteur on
Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment's
Report on Domestic Violence and the
Prohibition of Torture and Ill-treatment**

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1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (the NIHRC) is one of three A-status National Human Rights Institutions in the United Kingdom (UK). Established in 1999, the NIHRC, pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights. The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in Northern Ireland (NI), including within the competence of the NI Assembly and the Westminster Parliament.
- 1.2 The NIHRC welcomes the opportunity to contribute to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's report on domestic violence and prohibition of torture and ill-treatment. We have set out our response in line with the questionnaire.

2.0 Prevalence and Root-causes of Domestic Violence

Statistics

- 2.1 Statistics collated by the Police Service NI record that domestic violence has increased significantly since 2004/05 when the data series began. There were 31,298 domestic abuse incidents recorded between 1 January and 31 December 2018. This was a 5.4 per cent increase over the previous year. There were 15,680 domestic abuse crimes recorded between 1 July 2017 and 30 June 2018. This is an 9.1 per cent increase on the crimes recorded the previous year.¹ These domestic abuse incidents and crimes figures represent the highest 12-month period recorded since such statistics were first collated. The Department of Justice has highlighted that this equates to over 80 domestic violence and abuse incidents every day in NI and that approximately five people are killed each year in NI by a partner, ex-partner or close family member. The Department

¹ Police Service NI, 'Domestic Abuse Incidents and Crimes Recorded by the Police in NI: Update to 31 December 2018' (PSNI, 2019).

stressed that domestic violence and abuse in NI remains significantly under-reported.²

2.2 State figures on domestic violence in NI are not disaggregated by gender, however “about 90% of reported cases are perpetrated by men against women. It is estimated that one in four women will suffer domestic violence at some point”.³

2.3 Trends in domestic abuse crimes by crime type are as follows:

Crime	January– December 2017	January– December 2018	Change	Percentage Change
Violence against the person	10,351	11,408	1,057	10.2
Violence with injury (including homicide and death or serious injury by unlawful driving)	4,043	4,307	264	6.5
Violence without injury	5,322	5,606	284	5.3
Harassment	986	5,606	284	6.5
Sexual offences	676	767	91	13.5
Theft (including burglary)	840	937	97	11.5
Criminal damage	1,513	1,641	128	8.5

² Department of Justice, ‘Press Release: Over 80 domestic violence and abuse incidents every day in NI - working together we can help stop it’, 4 July 2018.

³ Women’s Aid NI, ‘Domestic Violence – Frequently Asked Questions’. Available at: <https://www.womensaidni.org/domestic-violence/frequently-asked-questions/#2>.

Crime	January– December 2017	January– December 2018	Change	Percentage Change
Breach of non-molestation order	747	621	-126	-16.9
All other offences	245	306	61	24.9
Total crimes with domestic violence motivation	14,372	15,680	1,308	9.1

Source: Police Service NI⁴

- 2.4 The Public Prosecution Service NI reports an increase in the number of files involving a sexual offence during 2017/2018, an increase of 21 per cent from 2016/2017. Files received involving an offence of rape rose by 34.2 per cent over the same period, and of files involving other sexual offences, rose by 15.3 per cent.⁵

Year	Rape	Other sexual offences	All sexual offences
2016/17	395	917	1312
2017/18	530	1057	1587

Source: Public Prosecution Service⁶

- 2.5 The number of decisions issued by the Public Prosecution Service in respect of suspects in case involving a sexual offence, shown in the table below, increased by 43.5 per cent in 2016/2017. Of the 1,212 no prosecution decisions issued during 2017/2018, 97 per cent did not pass the evidential test. The remaining 3 per cent did not pass the public interest test.

⁴ Public Prosecution Service for NI, 'Statistical Bulletin: Cases Involving Sexual Offences 2017/18 – 1 April 2017 to 31 March 2018' (PPS, 2018).

⁵ Police Service NI, 'Domestic Abuse Incidents and Crimes Recorded by the Police in NI: Update to 31 December 2018' (PSNI, 2019).

⁶ Public Prosecution Service for NI, 'Statistical Bulletin: Cases Involving Sexual Offences 2017/18 – 1 April 2017 to 31 March 2018' (PPS, 2018).

Type of decision	Number of decisions	
	2016/17	2017/18
Prosecution	363	351
Diversion	36	32
No prosecution	688	1212
All decisions	1151	1652

Source: Public Prosecution Service⁷

2.6 In 2017/2018, the conviction rate for at least one sexual offence in the Crown Court was 56.7 per cent, a decrease from the previous year. In the Magistrates' and Youth Courts, there was a slight decrease in the number of defendants, with a 55.3 per cent conviction rate, of at least one sexual offence. This represents a slight increase from the previous year.

Crown Court	2016/17	2017/18
Total defendants	267	224
Convicted of at least one sexual offence (including rape)	15	9
Convicted of at least one sexual offence (excluding rape)	165	118
Conviction rate (at least one sexual offence)	67.4%	56.7%

Source: Public Prosecution Service⁸

Magistrates/Youth courts	2016/17	2017/18
Total defendants	148	141
Convicted of at least one sexual offence	80	78
Conviction rate (at least one sexual offence)	54.1%	55.3%

Source: Public Prosecution Service⁹

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

- 2.7 Data on the prevalence of stalking is lacking.¹⁰ This is affected by the lack of a statutory definition of 'stalking' in NI.
- 2.8 In 2017, 52 children in NI (40 girls and 12 boys) were married.¹¹ There are no statistics on the number of reported or prosecuted forced marriages in NI.

3.0 Relevance of the Prohibition of Torture and Ill-treatment

Incorporation of UN CAT

- 3.1 The United Kingdom (UK) is a dualist State. It ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT) in 1988 and its Optional Protocol in 2003, but has not incorporated this international treaty into domestic law and has not indicated any plans to do so. However, there is precedent for this – the Human Rights Act 1998 incorporates the European Convention on Human Rights 1950 into domestic law.
- 3.2 A number of NI civil servants that the NIHRC spoke to believed that the implied incorporation of the UN CAT into legislation, policies and practices in NI was sufficient, and did not recognise the need for direct incorporation of the UN CAT within NI laws and practices.¹² In May 2019, the UK delegation confirmed this view during its response to questioning by the UN Committee against Torture (UN CAT Committee).¹³
- 3.3 There is a need for greater awareness raising of UN CAT and there has been a lack of effective consultation by the UK Government and

¹⁰ RaISE, 'Paper 19/17, NIAR 462-16 - Briefing Paper: Incidence and Prevalence of Stalking in NI' (RaISE, 2017), at 15; NI Assembly, 'Review of the Need for Stalking Legislation in NI'. Available at: <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/justice/inquiries--reviews/review-of-the-need-for-stalking-legislation-in-northern-ireland/>; Attorney General NI, 'No 13 Human Rights Guidance for the Police Service of NI, the Public Prosecution Service, the Probation Board for NI and the NI Courts and Tribunals Service: Domestic Abuse and Stalking' (AGNI, 2018).

¹¹ Correspondence between NI Statistics and Research Agency and NI Human Rights Commission, 9 November 2018.

¹² Meeting between Department of Justice officials and NI Human Rights Commission, 29 November 2018.

¹³ UN Committee against Torture, '66th Session: Examination of the United Kingdom of Great Britain and Northern Ireland', 8 May 2019.

NI Executive when drafting the UK Reply to the List of Issues.¹⁴

There is a lack of accessible information on UN CAT.¹⁵

3.4 There is a lack of disaggregated UN CAT-related data.¹⁶

3.5 In its 2013 concluding observations, the UN CAT Committee recommended:

that the State party incorporate all the provisions of the Convention against Torture in its legislation, and raise awareness of its provisions among members of the judiciary and the public at large.¹⁷

Istanbul Convention

3.6 The UK Government has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In August 2017, the UK Government, in its response to a recommendation received during the Universal Periodic Review process stated:

the UK remains committed to ratifying the Istanbul Convention. In most respects, the measures already in place in the UK to protect women and girls from violence comply with or go further than the Convention requires. In order to be compliant with Article 44 of the Convention, the UK must take extra-territorial jurisdiction over certain offences if committed abroad by UK nationals. The UK Government will introduce the extra-territorial jurisdiction measures necessary for compliance for England and Wales as part of the forthcoming Domestic Abuse Bill.¹⁸

¹⁴ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Roundtable discussions with civil society representatives, November 2018.

¹⁵ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Roundtable discussions with civil society representatives, November 2018.

¹⁶ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Roundtable discussions with civil society representatives, November 2018; Meeting between Department of Justice officials and NI Human Rights Commission, 29 November 2018.

¹⁷ CAT/C/GBR/CO/5, 'UN CAT Committee Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and NI', 24 June 2013, at para 7.

¹⁸ Ministry of Justice, 'Universal Periodic Review, UK, British Overseas Territories and Crown Dependencies, National Report' (MoJ, 2017), at Recommendation 134.43.

- 3.7 The Preventing and Combating Violence against Women and Domestic Violence (Ratification of Convention) Act 2017 requires the Secretary of State to establish a timeframe for the ratification of the Istanbul Convention¹⁹ and to annually report on progress.²⁰ The second report was published on 30 October 2018.²¹
- 3.8 New legislation is required to extend extra-territorial jurisdiction so that certain offences committed by British citizens can be prosecuted in UK courts, regardless of where they take place in the world. There are still a number of offences, including rape of an over 18 year old and sexual assault where extra-territorial jurisdiction does not yet apply. This is to be addressed in England and Wales via the proposed Domestic Abuse Bill. As these are devolved matters, additional legislation is required in NI and Scotland. The Department of Justice NI is working on developing a Domestic Abuse Bill that will cover similar issues, but this Bill cannot progress without a devolved government.²²

Brexit

- 3.9 Protections provided by European Union (EU) law may be removed from domestic law post-Brexit, this includes protections concerning freedom from gender-based discrimination. Article 4 of the Protocol on Ireland/NI enshrined the UK's commitment to no diminution of rights but confined it to the Rights, Safeguards and Equality of Opportunity section of the Belfast (Good Friday) Agreement 1998. It also makes reference to an Annex of EU law to be retained in NI

¹⁹ UK Parliament, 'Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017' (UK Parliament, 2017), at Section 1.

²⁰ Ibid, at Section 2.

²¹ Parliamentary Business, 'Ratification of the Council of Europe Convention on Combating Violence against Women and Domestic Violence (Istanbul Convention) – 2018 Report and Progress: Written Statement – HCWS1048', 30 October 2018.

²² New legislation is required to extend extra-territorial jurisdiction so that certain offences committed by British citizens can be prosecuted in UK courts, regardless of where they take place in the world. There are still a number of offences, including rape of an over 18 and sexual assault where extra-territorial jurisdiction does not yet apply. This is to be addressed in England and Wales via the proposed Domestic Abuse Bill. As these are devolved matters, additional legislation is required in NI and Scotland. This has been addressed in Scotland under the Domestic Abuse (Scotland) Act 2018. The Department of Justice is working on developing a Domestic Abuse Bill that will cover similar issues, but this Bill cannot progress without a devolved government. Under Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017, Section 1, the UK Government must set a timeframe for ratifying the Istanbul Convention. See CEDAW/C/GBR/8, 'Eighth Periodic Report Submitted by the UK of Great Britain and NI under Article 18 of the Convention, due in 2017', 17 November 2017, at para 190; Gov.UK, 'Press Release: New measures to allow ratification of Istanbul Convention', 29 June 2017.

and to the implementation of the Article via 'dedicated mechanisms'. The EU laws identified in the Annex include equal treatment directives concerning employment, self-employment, social security and access to goods and services. They do not refer to gendered violence, victims' directive or parental leave.

- 3.10 Article 4 further sets out the UK commitment to "facilitate the related work" of bodies including the NIHRC, the Joint Committee of the Commission and Irish Human Rights and Equality Commission, and the Equality Commission NI. In November 2018, the NIHRC agreed in principle to form part of the dedicated mechanism, provided by Article 4 of the Protocol, which provides for monitoring, supervision, advice, reporting and enforcement of the non-diminution commitment.

Domestic laws and policies

Domestic violence

- 3.11 There is no consolidated criminal legislation on domestic violence in Northern Ireland. The Family Homes and Domestic Violence (NI) Order 1998 provides for protective civil orders called non-molestation orders and occupation orders.
- 3.12 In early 2016, the Department of Justice consulted on whether there should be a specific offence that captured patterns of coercive and controlling behaviour.²³ Following this consultation the Department of Justice began preparing a Domestic Abuse Bill, which it continues to develop.²⁴ This Bill aims to provide for a new domestic abuse offence capturing patterns of psychological abuse, violence, and/or coercion of a partner, ex-partner or close family member. It also includes a statutory aggravation of domestic abuse, which may attract enhanced sentencing for other offences. This Bill cannot progress without a functioning devolved government.
- 3.13 The Stopping Domestic and Sexual Violence and Abuse in NI Strategy was published in March 2016, with a commitment to

²³ Department of Justice, 'Domestic Abuse Offence and Domestic Violence Disclosure Scheme' (DoJ, 2016).

²⁴ Permanent Secretary of Department of Justice, 'COR-1076-2017: Letter from Department of Justice to NI Human Rights Commission, 22 September 2017.

publish an annual action plan.²⁵ In August 2018, the Departments of Health and Justice jointly published the third action plan under the strategy, which covers 2018-19.²⁶ The Strategy and its actions plans are gender-neutral.

Stalking

3.14 There is no criminal offence of stalking in NI. The Protection from Harassment (NI) Order 1997 deals with the criminal offence of harassment. Stalking in NI is generally dealt with under this legislation.²⁷

3.15 In November 2016, the NI Assembly's Committee for Justice reviewed and consulted on introducing specific stalking legislation in NI. The aim of the review was:

to assess whether the current legislation in place in NI to deal with stalking is appropriate and effective, identify any gaps and consider the need for and potential benefits of introducing specific stalking legislation.²⁸

3.16 The Committee was unable to report to the NI Assembly before its dissolution in January 2017 and there can be no progress without functioning devolved institutions. In the interim, the Attorney General NI issued guidance in April 2018 providing a definition of stalking with the aim of assisting criminal justice organisations in NI exercising:

²⁵ Department of Health, Social Services and Public Safety and Department of Justice, 'Stopping Domestic and Sexual Violence and Abuse in NI: A Seven Year Strategy' (DHSSPS and DoJ, 2016).

²⁶ Department of Health and Department of Justice, 'Stopping Domestic and Sexual Violence and Abuse Strategy: Draft Year 3 Action Plan' (DoH and DoJ, 2018).

²⁷ RaISE, 'Paper 19/17, NIAR 462-16 - Briefing Paper: Incidence and Prevalence of Stalking in NI' (RaISE, 2017), at 15; NI Assembly, 'Review of the Need for Stalking Legislation in NI'. Available at: <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/justice/inquiries--reviews/review-of-the-need-for-stalking-legislation-in-northern-ireland/>; Attorney General NI, 'No 13 Human Rights Guidance for the Police Service of NI, the Public Prosecution Service, the Probation Board for NI and the NI Courts and Tribunals Service: Domestic Abuse and Stalking' (AGNI, 2018).

²⁸ NI Assembly, 'Review of the Need for Stalking Legislation in NI'. Available at: <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/justice/inquiries--reviews/review-of-the-need-for-stalking-legislation-in-northern-ireland/>

their respective functions diligently in order to prevent, investigate and prosecute acts of stalking and domestic abuse.²⁹

Child marriage

3.17 The Marriage (NI) Order 2003, which is a responsibility of the Department of Finance, permits the marriage of a child aged 16 or 17 years with the consent of their parents or legal guardians or the courts.

Protection initiatives

Domestic violence

3.18 In March 2018, the Department of Justice established a Domestic Violence Disclosure Scheme in NI.³⁰ This scheme allows a victim or a third party known to a potential victim who may have concerns, to apply to the police for information on a partner. The Scheme aims to help ensure the safety of victims, allowing them to make an informed choice about whether they would wish to continue in their relationship. Between April and September 2018, there were 180 applications to the scheme.³¹

3.19 The Department of Justice launched a pilot Domestic Violence Perpetrators' Programme in Derry/Londonderry during March 2018.³² This pilot was expected to run for nine months, involving a maximum of 30 perpetrators. It adopts a problem solving justice approach, aimed at changing behaviours of convicted offenders. The pilot is to be subject to monthly judicial monitoring.

3.20 The Department of Justice is developing a local Domestic Homicide Review Model, to be applied where a person has died as a result of domestic violence.³³ The Model will seek out and share opportunities

²⁹ Attorney General NI, 'No 13 Human Rights Guidance for the Police Service of NI, the Public Prosecution Service, the Probation Board for NI and the NI Courts and Tribunals Service: Domestic Abuse and Stalking' (AG NI, 2018).

³⁰ Department of Justice, 'Domestic Violence and Abuse Disclosure Scheme NI Guidance' (DoJ, 2018).

³¹ Correspondence from the Department of Justice to the NI Human Rights Commission, 27 November 2018.

³² 'NI pilot scheme launched to change behaviour of domestic violence offenders and help victims', Belfast Telegraph, 22 March 2018.

³³ Letter from Department of Justice to NI Human Rights Commission, 22 September 2017.

for learning, identify what worked well and inform the development of practice to improve services. This is with a view to preventing domestic violence and abuse and domestic homicide happening in the future. In 2018, a consultation of the proposed model was conducted.³⁴ The Department of Justice has committed to implementing this mechanism in the 2018-19 Domestic and Sexual Violence and Abuse Action Plan. Recruitment of a Chair and associated establishment of a panel for this purpose is due to take place in early 2019.³⁵

- 3.21 The Department of Justice plans to introduce Domestic Violence Protection Notices and Domestic Violence Protection Orders.³⁶ A Protection Notice is an emergency non-molestation and eviction notice, which can be issued to a perpetrator by the police when attending a domestic abuse incident. It is effective from the point of issue, and can be issued without the victim's consent. Within 48 hours of a Protection Notice being served, the police can apply to the Magistrates' Court for a Protection Order. This can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days. The introduction of the Notices and Orders will require legislative change, which is not possible without a functioning devolved government.
- 3.22 The 2018-19 Domestic and Sexual Violence and Abuse Action Plan sets out that consideration should be given to how relationships and sexuality education curriculum resources can support teachers in addressing domestic and sexual violence and abuse.³⁷
- 3.23 A Magistrates' Court pilot scheme was launched in Derry/Londonderry in November 2011. This provided for special listing arrangements for domestic violence cases, whereby domestic violence cases were clustered and heard by one judge on specifically designated days. This enabled the relevant agencies, including the support services, to concentrate their efforts and resources into those days in order to provide moral and practical

³⁴ Department of Justice, 'Domestic Homicide Reviews – Consultation' (DoJ, 2018).

³⁵ Correspondence from the Department of Justice to the NI Human Rights Commission, 27 November 2018.

³⁶ Letter from Department of Justice to NI Human Rights Commission, 22 September 2017.

³⁷ Department of Health and Department of Justice, 'Stopping Domestic and Sexual Violence and Abuse Strategy: Draft Year 3 Action Plan' (DoH and DoJ, 2018).

support to victims. For example, under this arrangement, court staff provide victims with separate entrances and waiting areas, the Public Prosecution Service provides a specially trained prosecutor and Women's Aid or Victim Support NI liaise to mentor and support women. In September 2016, the then Minister for Justice indicated that the arrangements for the pilot scheme should be enhanced, before further consideration is given to rolling out the model across other areas of NI.³⁸ There are currently no plans to expand this scheme across NI.

- 3.24 The 2018-19 Domestic and Sexual Violence and Abuse Action Plan sets out as a key action the commencement of a Crown Court Observers' study to gather information on victims' and witnesses' experience of the court in sexual offence cases.
- 3.25 In 2018, an independent review was commenced into how the NI criminal justice system handles cases of serious sexual assault. The review was conducted by Sir John Gillen and examined how the NI criminal justice system handles cases of serious sexual assault, including support for victims and witnesses, anonymity for defendants and measures to ensure the anonymity of victims amongst others.³⁹ The final report was published in May 2019 making 16 recommendations, which called for a "holistic approach" including measures to improve training, eradicate stereotyping and myths, raise awareness, develop victim-led restorative practice, tackle inappropriate use of social media and create a more accessible space for victims within the justice system.⁴⁰
- 3.26 In November 2018, the Criminal Justice Inspection NI published its report on a thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in NI. The report highlighted that avoidable delays in the criminal justice process for such cases remains an issue that requires addressing.⁴¹

³⁸ AQO 268/16/21, 'Question from Mr McAleer to Minister of Justice on Domestic Violence: Court Listings', 20 September 2016.

³⁹ Department of Justice, 'Review of arrangements to deliver justice in serious sexual offence cases: Terms of Reference'. Available at: <https://www.justice-ni.gov.uk/publications/review-arrangements-deliver-justice-serious-sexual-offence-cases-terms-reference>

⁴⁰ Sir John Gillen, 'Gillen Review: Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland' (DoJ, 2019).

⁴¹ Criminal Justice Inspection NI, 'Without Witness Public Protection Inspection I: A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in NI' (CJINI, 2018).

3.27 The Department of Justice launched a dedicated mixed-media promotional campaign in March 2018. This three year targeted campaign will run until the end of March 2020 and will be re-launched at those times of the year when domestic violence and abuse is considered more prevalent – summer and Christmas. This media campaign works in tandem with the messaging of the Police Service NI ‘Walking on Egg Shell’s annual Christmas media campaign, which also seeks to encourage reporting of domestic violence and abuse incidents.⁴²

Stalking

3.28 Stalking Protection orders are unavailable. These Orders are being introduced to England and Wales, which aim to improve the safety of all stalking victims by giving police the authority to address the danger that perpetrators pose while they gather more evidence. Civil society representatives in NI have expressed support for the introduction of Stalking Protection Orders to NI.⁴³

Victim support

Domestic violence

3.29 The Supporting People Programme provides 13 refuges throughout NI (with a total funding of over £4.6 million per year). In 2017-2018, 717 women and 485 children in Northern Ireland accessed refuges run by Women’s Aid NI. However, in that same period, 258 women could not access refuge because there was no space.⁴⁴

3.30 The Department of Health, Department of Justice and Department of Communities collectively fund a 24-hour Domestic and Sexual Violence Helpline. These Departments also fund the Rowan Sexual Assault Referral Centre for NI, which offers support to for those who have experienced sexual violence and abuse.⁴⁵ Furthermore, a variety of places throughout NI, including all police stations are

⁴² Correspondence from the Department of Justice to the NI Human Rights Commission, 27 November 2018.

⁴³ Meeting with civil society representatives, 30 November 2018; Department of Justice, ‘Consultation: Stalking – A Serious Concern’ (DoJ, 2018).

⁴⁴ Women’s Aid NI, ‘Annual Report 2017-2018’ (Women’s Aid NI, 2019).

⁴⁵ HM Government, ‘UN Periodic Review - UK of Great Britain and NI Update’ (HM Government, 2018), at para 15.

designated as 'Safe Places'. This is an initiative, which provides support in a range of settings for people requiring information on domestic violence.⁴⁶

- 3.31 There is no specific 'rape crisis service' at present in NI. However, Victim Support NI has a number of Independent Sexual Violence Advocates who provide one-to-one support for victims of sexual crime going through a criminal investigation, trial or considering reporting to the police.⁴⁷
- 3.32 Belfast Area Domestic and Sexual Violence and Abuse Partnership aims to improve services and support for all victims of domestic and sexual violence and abuse. This Partnership brings together specialised agencies, organisations, groups and individuals. It has faced funding cuts and has a limited geographical remit.⁴⁸ The Department of Justice is developing a streamlined Advocacy Support Service across NI.⁴⁹ This will standardise the level of support to be made available, and respond to the needs of both male and female victims of sexual violence and abuse and domestic violence and abuse.
- 3.33 The 2018-19 Domestic and Sexual Violence and Abuse Action Plan includes the development of policy proposals for a Sanctuary Scheme for victims of domestic abuse.⁵⁰
- 3.34 Civil society representatives have reported a lack of training for front of house staff (receptionists, call handlers, security) on how to support victims of domestic violence.⁵¹
- 3.35 The 'no recourse to public funds' rule prevents persons with insecure immigration status from accessing benefits, such as refuge support. The Destitute Domestic Violence concession was

⁴⁶ Police Service NI, 'Safe Place Campaign'. Available at: <https://www.psni.police.uk/crime/domestic-abuse/safe-place-campaign/>

⁴⁷ Victim Support NI, 'Sexual violence: ISVA Service'. Available at: <http://www.victimsupportni.com/help-for-victims/sexual-violence/>.

⁴⁸ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018.

⁴⁹ Letter from Department of Justice to NI Human Rights Commission, 22 September 2017.

⁵⁰ Department of Health and Department of Justice, 'Stopping Domestic and Sexual Violence and Abuse Strategy: Draft Year 3 Action Plan' (DoH and DoJ, 2018).

⁵¹ Roundtable discussion with civil society representatives, November 2018.

introduced on 1 April 2012. This concession aims to help non-nationals who are victims of domestic violence and on a spousal visa to leave their partner safely and secure their immigration status in the UK. The concession offers those who meet the eligibility criteria temporary leave for three months, enabling them to apply for access to public funds. During this three-month period, the person should make a separate application for indefinite leave to remain under the Domestic Violence rule.⁵² There are strict eligibility criteria for the concession and so there are some groups, such as EEA women, who may not benefit. The issuing of concessions can also be subject to delays.⁵³

Stalking

3.36 Support for victims of stalking in NI is lacking. In England and Wales, the Hampshire Stalking Clinic has been highlighted as an example of good practice. This clinic aims to improve responses to stalking across the criminal justice system and the health sector through rehabilitative treatment for stalkers, in a bid to make victims of stalking safer. The clinic is a forum for identification, referral, consultation, case formation and risk assessment of stalking cases. It has a multi-agency panel that reviews high-risk stalking cases within the Hampshire area using the stalking risk profile assessment process.⁵⁴

4.0 Best Practice and Recommendations

4.1 Below are a number of recommendations that, from Northern Ireland's experience, would assist with preventing and redressing domestic violence from the perspective of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

⁵² No Recourse to Public Funds Network, 'The Destitution Domestic Violence (DDV) Concession' (NRP Network, 2013).

⁵³ Nisan Zerai Kesete, 'Destitution Domestic Violence Concession - Monitoring Research Report' (Unbound Philanthropy, 2013), at 37.

⁵⁴ Meeting with civil society representatives, 30 November 2018; Police and Crime Commissioner, 'Press Release: Stalking Clinic highlighted as best practice by HMIC', 5 July 2017.

Statistics

- 4.2 State parties should effectively disaggregate domestic and sexual violence data to assist determining the effectiveness of the law at a domestic level.

Laws and Policies

- 4.3 State parties should take effective steps to promptly introduce legislation to criminalise domestic violence crimes, including coercive and controlling behaviour in an intimate relationship.
- 4.4 State parties should ensure domestic violence strategies are effectively implemented, including adopting a gender-sensitive approach that recognises that women and girls are considerably more likely to experience violence.

Forced Marriage

- 4.5 State parties should take effective steps to promptly introduce legislation to repeal all legal provisions permitting the marriage of children and increase the minimum age for marriage to 18 years, for both girls and boys.

Incorporation of UN CAT

- 4.6 State parties should directly incorporate all UN CAT provisions into domestic laws and policies, and ensure that these are effectively implemented.
- 4.7 State parties should effectively consult with civil society and ensure that NI is fully represented in the UK's reporting to the UN CAT Committee, in particular with respect to implementation of recommendations.

Brexit

- 4.8 State parties should ensure there is no regression in the level of protection offered by domestic law to victims of gender-based discrimination and the equal treatment of both genders arising as a result of political or constitutional change, such as Brexit.

Protection Initiatives

- 4.9 State parties should take effective steps to ensure that existing and future mechanisms for tackling domestic and sexual violence are effectively implemented in a human rights compliant and gender-sensitive manner.
- 4.10 State parties should take effective steps to promptly implement the recommendations of domestic reviews and inquiries on handling domestic and sexual violence and abuse cases by the criminal justice system.

Victim Support

- 4.11 State parties should take effective steps to ensure that specialised, gender-specific and accessible support and refuge places are sufficiently funded and promptly available for all victims of domestic violence.
- 4.12 State parties should ensure domestic violence concessions can be accessed promptly by all victims, including migrants.
- 4.13 State parties should effectively resource initiatives and services for supporting victims of domestic and sexual violence.
- 4.14 State parties should all staff and officials that interact and work with victims of domestic and sexual violence are effectively trained and qualified to work with such victims.

Istanbul Convention

- 4.15 State parties should take effective steps should ensure prompt ratification and effective implementation of the Istanbul Convention.

Stalking

- 4.16 State parties should take prompt steps to introduce legislation to prohibit all forms of stalking.
- 4.17 State parties should take effective steps to protect and support victims of all forms of stalking in Northern Ireland.

4.18 State parties should take effective steps to gather, disaggregate and effectively monitor data on all forms of stalking.

Contact Us

For further queries, please email:

Hannah.Russell@nihrc.org

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987

Temple Court, 39 North Street, Belfast, BT1NA

