



**Briefing Note –
Preventing and Combating Violence Against Women and Domestic
Violence (Ratification of Convention) Bill**

1. The Northern Ireland Human Rights Commission (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. In accordance with this function the following statutory advice is submitted on the Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill 2016-17.
2. The Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill will implement in domestic law The Council of Europe Convention on preventing and combating violence against women and domestic violence 2011 (the Istanbul Convention) to which the UK is signatory.
3. Statistics collated by the Police Service of Northern Ireland (NI) record that domestic violence has increased year on year since 2004/05, with the exception of two decreases recorded, a 1.6 percent decrease between 2006/07 and 2007/08 and a 7.3 per cent decrease between 2009/10 and 2010/11. The figure of 28,465 incidents for July 2015 to June 2016 is the highest level recorded since 2004/05, and shows an increase of 0.3 per cent on the 2014/15 figure of 28,392. Of the 28,465 incidents recorded in the twelve months to 30 June 2016, 12,657 incidents contained one or more crimes (amounting to 14,220 recorded crimes in total).¹
4. The increase in incidents may represent a greater willingness to report but there is also likely to be considerable incidents still going unreported.

¹ [PSNI, Domestic Abuse Incidents and Crimes Recorded by the Police in NI: Quarterly Update to 30 June 2016, August 2016](#)

It is clear therefore that there are high levels of domestic violence and violence against women still happening in Northern Ireland.

5. The UN Committee on the Elimination of Discrimination against Women (CEDAW) in its 2013 Concluding Observations on the UK noted its concerns of 'continued reports of violence against women, including domestic violence, affecting in particular black and ethnic minority women, and the so-called "honour killings" of ethnic minority women. The Committee is also concerned at reports of negative attitudes on the part of the police towards women who are victims of domestic violence.'²
6. The UN Committee on Economic, Social and Cultural Rights (ICESCR) highlighted in its 2016 Concluding Observations on the UK that the significant rise in homelessness in NI affected victims of domestic violence amongst other vulnerable groups. The UN ICESCR urged the UK "to take immediate measures, including allocating appropriate funds to local authorities... to ensure adequate provision of reception facilities, including emergency shelters, hostels and reception, as well as social rehabilitation centres".³
7. The Committee on the Rights of the Child (CRC) in its 2016 Concluding Observations on the UK noted its concern at 'The high prevalence of domestic violence and gender-based violence against women and girls, and the negative impact that those forms of violence have on children, whether as victims or witnesses'⁴
8. The UK Government has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) and the Home Office is working with the devolved administrations and other government departments to develop a time-frame for ratification. A Private Members' Bill, 'Preventing and Combating Violence against Women and Domestic Violence (Ratification of Convention)', brought by Dr Eilidh Whiteford MP calling for the UK to ratify the Istanbul Convention was submitted to the UK Parliament in

² [UN Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/7*](#), 30 July 2013, para 34

³ [UN Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland E/C.12/GBR/CO/6, UN Economic and Social Council, 14 July 2016](#), paras 51 and 52

⁴ [UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 12 July 2016](#), para 42(a)

2016. It passed its first reading and will be considered at its second reading in December 2016.

9. The UN CEDAW in its 2013 Concluding Observations on the UK recommended that the UK 'ratify the Istanbul Convention'.⁵ The UN CRC in its 2016 Concluding Observations on the UK also recommended 'ratifying the Convention on preventing and combating violence against women and domestic violence'.⁶ The UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, noted in her mission to the UK in 2015 that the UK should 'address normative gaps in legislation, at the national and constituent country levels'.⁷
10. The UK Joint Committee on Human Rights' Sixth Report on 'Violence against women and girls' in 2015 recommended 'that the Government bring forward the necessary primary legislation regarding jurisdiction before the end of this Parliament, and that the devolved administrations also bring forward any legislative measures that they consider to be necessary, so that the goal of ratifying the Istanbul Convention can be given the priority it deserves'.⁸
11. The Northern Ireland Human Rights Commission (NIHRC) has advised the NI Department of Justice and the NI Department of Health to take cognisance of the Istanbul Convention and the 'Stopping Domestic and Sexual Violence and Abuse in NI Strategy' makes reference to it.⁹
12. The NIHRC supports the provisions of the current private members bill and continues to advise the UK government to move from signatory to ratification of the Istanbul Convention. It has encouraged the NI Executive to engage with the UK government and ensure the full implementation of the Convention in NI.

⁵ [UN Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/7*, 30 July 2013](#), para 35

⁶ [UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 12 July 2016](#), para 43(e)

⁷ [UN Human Rights Council, Report of the Special Rapporteur on violence against women and its causes and consequences, Rashida, Manjoo, Addendum, Mission to the United Kingdom of Great Britain and Northern Ireland, UN General Assembly, A/HRC/29/27/Add.2, 19 May 2015](#), para 107(c)(i)

⁸ [House of Lords, House of Commons, Joint Committee on Human Rights, Violence against women and girls, Sixth Report of Session 2014-15, 19 February 2015, HL Paper 106, HC 594](#), para 230

⁹ [NIHRC, Response to the Public Consultation on the Draft Strategy on Stopping Domestic and Sexual Violence and Abuse in Northern Ireland, 2013-2020, 2014](#), para 2.10

13. Ratifying The Council of Europe Convention on preventing and combating violence against women and domestic violence 2011 (the Istanbul Convention) sends out a strong public message and establishes a benchmark to say that the UK will fully implement the Convention in domestic law, policy, and practice.

Istanbul Convention

The [Istanbul Convention](#) in brief

About the Convention

Stalking, sexual harassment, sexual violence (including rape), physical, and psychological abuse at the hands of intimate partners, forced marriage, and forced sterilisation are deeply traumatising acts of violence. The overwhelming majority of victims are women. Adding female genital mutilation and forced abortion as forms of violence that only women can be subjected to, shows the shocking level of diversity in cruel and degrading behaviour that women experience. If we consider the fact that most violence is carried out by men, it is just a small step to understanding that violence against women is structural violence – violence that is used to sustain male power and control. This is even more obvious if we consider the patchy attempts of the police, courts and social services to help women victims which is seen in many countries across the world.

[The Council of Europe Convention on preventing and combating violence against women and domestic violence](#) is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women. It is the obligation of the state to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. Failure to do so would make it the responsibility of the state. The convention leaves no doubt: there can be no real equality between women and men if women experience gender-based violence on a large-scale and state agencies and institutions turn a blind eye.

Because it is not only women and girls who suffer domestic violence, parties to the convention are encouraged to apply the protective framework it creates to men who are exposed to violence within the family or domestic unit. Nevertheless, it should not be overlooked that the majority of victims of domestic violence are women and that domestic violence against them is part of a wider pattern of discrimination and inequality.

The Convention has a strong focus on prevention. What does this mean for state parties?

In simple terms, preventing violence against women and domestic violence can save lives and reduce human suffering. Governments that agree to be bound by the Convention will have to do the following:

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

Preventing violence against women and domestic violence should not be left to the state alone. In fact, the Convention calls on all members of society, in particular men and boys, to help reach its goal of creating a Europe free from all forms of violence against women and domestic violence. Violence against women is pervasive because misogynistic attitudes towards women persist. Each and every one of us can help challenge gender stereotypes, harmful traditional practices and discrimination against women. It is only by achieving real gender equality that violence against women can be prevented.

How does the Convention improve the protection of victims?

When preventive measures have failed and violent incidents have happened, it is important to provide victims and witnesses with protection and support. This means police intervention and protection as well as specialised support services such as shelters, telephone hotlines etc. 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.

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: in situations of immediate danger, the police need to be able to guarantee the safety of the victim. In many instances this may mean ordering the perpetrator for a specified period of time to leave the family home and to stay away from the victim.

Ensuring access to adequate information: After experiencing violence, victims are usually traumatised and need easy access to clear and concise information on available services, in a language they understand.

Setting up easily accessible shelters in sufficient numbers and in an adequate geographical distribution: Victims come from a wide range of social realities. For instance, women from rural areas or disabled women need to have access to shelters as much as women from big cities.

Making available state-wide 24/7 telephone helplines free of charge: Specialised helplines for victims of violence against women and domestic violence can direct the victims to the services they need. They are essential in offering immediate expert advice and pointing victims towards safety.

Setting-up easily accessible rape crisis or sexual violence referral centres: These centres provide immediate medical counselling, trauma care and forensic services and are extremely rare across Europe. It is important to make these services more widely available.

It should be borne in mind that it is not enough to set up 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.

How does the Convention ensure the prosecution of perpetrators?

The convention defines and criminalises the various forms of violence against women as well as domestic violence. This is one of the many achievements of the convention. To give effect to the convention, state parties have to introduce a number of new offenses where they do not exist. These may include: psychological and physical violence, sexual violence and rape, stalking, female genital mutilation, forced marriage, forced abortion and forced sterilisation. 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.

Once these new offenses have found their way into the national legal systems, there is no reason not to prosecute offenders. On the contrary, state parties will have to take a range of measures to ensure the effective investigation of any allegation of violence against women and domestic violence. This means that the law enforcement agencies will have to respond to calls for help, collect evidence and assess the risk of further violence to adequately protect the victim.

Furthermore, state parties will have to carry out judicial proceedings in a manner that respects the rights of victims at all stages of the proceedings and that avoid secondary victimisation.

What are integrated policies?

The convention is based on the premise that no single agency or institution can deal with violence against women and domestic violence alone. An effective response to such violence requires concerted action by many different actors. 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 task to fulfil.

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.

In addition to addressing governments and non-governmental organisations, national parliaments and local authorities, the convention sends a clear message to society as a whole. Every man, every woman, every boy and girl, every parent, every boy/girl-friend must learn that violence - any kind of violence - is not the right way to solve difficulties and live a peaceful life. Everybody must understand that now and in the future violence against women and domestic is no longer tolerated.