



**Women's Regional
Consortium**

Consortium for the Regional Support for Women in Disadvantaged and Rural Areas

A Response to: Draft Domestic Abuse Bill

**Issued by: Joint Committee on the Draft Domestic
Abuse Bill**

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Enabling women into non-traditional employment

Foyle Women's
Information
Network



Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas

1. Introduction

1.1 This response has been undertaken collaboratively by the Women's Regional Consortium which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

1.2 The Women's Regional Consortium consists of seven established women's sector organisations working in partnership with government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure women are given the best possible support in the work they do in tackling disadvantage and social exclusion.¹ The groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

1.3 The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas to influence policy development and future government planning.

¹ Sections 1.2-1.3 represent the official description of the Consortium's work, as agreed and authored by its seven partner organisation

1.4 The Women's Regional Consortium appreciates the opportunity to respond to the Draft Domestic Abuse Bill.

2. General Comments

2.1 The UK government is a signatory to The Istanbul Convention and is working towards ratification. The Istanbul Convention represents a comprehensive legal framework that outlines minimum standards for a State's response to violence against women and girls.

2.2 In its most recent report on progress towards ratification the UK Government stated that it "*remains fully committed to ratifying the Istanbul Convention*" and that the Draft Domestic Abuse Bill would include provisions to ensure the UK complies with the Istanbul Convention.²

2.3 The draft bill extends and applies to England and Wales only. It does not extend to Northern Ireland. As a result women in Northern Ireland, who are already without a devolved Assembly to legislate on their behalf, will suffer further disadvantage in not being afforded the protections required by the Istanbul Convention. Therefore we believe that the current draft bill would leave the UK in contravention of the Istanbul Convention.

2.4 Article 4(3) of the Istanbul Convention places an obligation on the UK Government to "*protect the rights of victims... without discrimination on any ground such as... national or social origin.*"³ The Explanatory Report to the Convention states "*it would be incompatible with the object and purpose of the Convention for states Parties to exclude parts of their territory from*

² Ratification of the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence (Istanbul Convention) – 2018 Report on Progress, Home Office, October 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752315/CCS207_CCS0918513168-001_Domestic_Violence_Istanbul_Convention_2018_Accessible_002_.pdf

³ Council of Europe Convention on preventing and combating violence against women and domestic violence <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>

*application of the Convention without valid reason.”*⁴ We would argue that this clearly provides that Northern Ireland should be included in the draft Bill.

2.5 We note that the Joint Committee has received correspondence from Rt Hon Harriet Harman MP, Chair of the Joint Committee on Human Rights on this very issue.⁵ We concur with her request asking if the Government could provide the Committee with a ‘valid reason’ for excluding Northern Ireland from the draft Bill.

2.6 Women in Northern Ireland are already at a disadvantage in terms of domestic abuse legislation compared to women in England, Wales and Scotland given that there is no single piece of legislation that describes domestic abuse here.

2.7 Excluding Northern Ireland from this draft Bill would create even more unequal and inadequate protections for victims of domestic abuse in Northern Ireland. Women in Northern Ireland would be without access to a statutory definition of domestic abuse including coercive and controlling behaviour, excluded from the remit of the Domestic Abuse Commissioner and would not be eligible to apply for Domestic Abuse Protection Notices and Orders. Victims of domestic abuse in Northern Ireland would also still be able to be cross-examined by the perpetrator of that violence.

2.8 In addition Northern Ireland has been without a functioning local government for over two years and this has led to a lack of progress on a range of women’s issues. Prior to the collapse of the Assembly draft

⁴ Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Para 377
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>

⁵ Letter from Rt Hon Harriet Harman MP, Chair Joint Committee on Human Rights, 10 April 2019
<https://www.parliament.uk/documents/joint-committees/human-rights/correspondence/2017-19/Correspondence-from-JCHR-Chair-Draft-domestic-abuse-bill-100419.pdf>

legislation was formed recognising coercive and controlling behaviour. However in the absence of the Executive this new legislation has not been passed.

2.9 Northern Ireland has no legal definition of stalking which is specifically required under Article 34 of the Istanbul Convention. The Article requires that *“parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.”*⁶ While the introduction of legislation around stalking has been subject to public consultation in Northern Ireland this legislation cannot be progressed without devolved local government in place.

2.10 Public consultations on the introduction of Domestic Homicide Reviews and up-skirting have also taken place but the introduction of any new laws on these issues is also stalled by the lack of local government.

2.11 Taken together all these issues show the extent of the legislative deficit faced by women in Northern Ireland. Without access to this draft Bill women in Northern Ireland will be second-class citizens of the UK.

International Recommendations on Domestic Abuse

2.12 There have been a number of recent recommendations from the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Commission on the Status of Women (CSW) which urge government to act on the issue of gender-based violence.

⁶ Council of Europe Convention on preventing and combating violence against women and domestic violence

<https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>

2.13 In its Concluding Observations for the UK Government the CEDAW Committee recently highlighted its concerns *“about the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of law and policies to protect women in Northern Ireland.”*⁷

2.14 The CEDAW Committee recommended that the UK government ratify the Istanbul Convention and *“adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party’s jurisdiction, including Northern Ireland.”*⁸

2.15 The CEDAW Committee has clearly stated its concerns about the lack of protection from gender-based violence for women in Northern Ireland and specifically recommended that the UK government should provide protection for women in Northern Ireland. It is difficult to understand how the UK government can escape its responsibility in this regard.

2.16 The Commission on the Status of Women (CSW) concluded its 63rd session in March 2019 with a strong commitment by UN Member States to safeguard and improve women’s and girls’ access to social protection systems, public services and sustainable infrastructure.

2.17 The Commission urged governments to strengthen their legal and policy frameworks to *“ensure that social protection, public services and sustainable infrastructure contribute to efforts to eliminate, prevent and respond to all forms of violence against women and girls in public and private spaces.”* It urged governments to bear in mind: *“the importance of all women and girls living free from violence, such as sexual and gender-based*

⁷ Concluding observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, Committee on the Elimination of Discrimination Against Women, Para 28 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=en

⁸ Ibid, para 29 (a) and (b)

violence, including sexual harassment, domestic violence, gender-related killings, including femicide, as well as elder abuse;”⁹

3. Conclusion

We firmly believe that Northern Ireland should be included in the extent of the draft Domestic Abuse Bill. Any attempt to exclude Northern Ireland from this draft Bill is an attempt to remove the human rights of women in Northern Ireland from UK law.

Women in Northern Ireland are already at a disadvantage in terms of domestic abuse protections compared to women in other parts of the UK. Without a functioning local government women in Northern Ireland are being left further and further behind in terms of protections around gender-based violence including domestic abuse.

This bill provides an opportunity to afford women in Northern Ireland access to laws that would ensure protection of their human rights and bring them more into line with the protections afforded to women in England, Wales and Scotland.

The UK Government has a responsibility to ensure that the law in Northern Ireland complies with its international human rights obligations under the Istanbul Convention and CEDAW. Without including Northern Ireland in the extent of the draft Bill the UK government would be unable to ratify the Istanbul Convention.

⁹ Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls, Agreed Conclusions, Commission on the Status of Women, March 2019, Para 47(h)
<https://undocs.org/en/E/CN.6/2019/L.3>