



Women's
Policy Group NI

NI COVID-19 Feminist Recovery Plan

Recommendations:

Department of Justice

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Abstract

The contents of this report contain evidence and recommendations specific to the Department of Justice, taken from the NI COVID-19 Feminist Recovery Plan, which was published by the Women's Policy Group in July 2020.

The Feminist Recovery Plan highlights the disproportionate impact of the COVID-19 pandemic on women, as well as the implications of the recent Hate Crime Review and Restorative Justice programme on women and girls in Northern Ireland, and sets out recommendations for action.

Some of the recommendations in this summary will also be relevant for other NI Departments, as well as the UK Government. Although the Department of Justice will not have direct responsibility for all issues raised in this report, we believe these should be brought to the attention of the Department, as an inter-departmental approach is essential to effectively tackling them.



Women's Policy Group NI COVID-19 Feminist Recovery Plan: Overview

The ongoing COVID-19 pandemic has created an unprecedented challenge across the UK. It has put in sharp focus the value and importance of care work, paid and unpaid, and highlighted the essential nature of often precarious and almost always low paid retail work. Women undertake the majority of this work, and women will bear a particular brunt of this crisis; economically, socially and in terms of health. In this way, the current crisis affects men and women differently, and in many cases deepens the inequalities women experience on an everyday basis. These inequalities, along with key solutions, were highlighted in a Women's Manifesto issued by the WPG in preparation for the general election in December 2019. These solutions remain central for a long-term response, but the developing crisis has put a number of issues in sharp focus for urgent emergency action.

The WPG Feminist Recovery Plan analyses the impact of COVID-19 on women and girls in Northern Ireland in terms of economic justice, health, social justice and cultural inequality. In addition to this, implications of Brexit and the need for a Bill of Rights will be examined, and an analysis of international best practice case studies will be done. The plan uses a mix of political and economic policy-making recommendations to advocate for a feminist recovery to COVID-19, with the aim of not only avoiding deepening gender inequalities through recovery planning, but also tackling the gendered inequalities that already exist in our society. The WPG is calling on decision-makers across the UK to take action to ensure a gender-sensitive crisis response as we transition from crisis response to recovery. We recognise that some issues highlighted in the full WPG Feminist Recovery Plan will be of a devolved nature for the Northern Ireland Assembly, others will be issues that require Westminster intervention.

Our full Feminist Recovery Plan is available [here](#).

Women's Policy Group NI

Women's Policy Group (WPG) NI: Introduction

This paper has been created by the [Women's Policy Group Northern Ireland](#) (WPG). The WPG is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. It is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBT+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals. Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG represents all women of Northern Ireland and we use our group expertise to lobby to influence the development and implementation of policies affecting women.

The WPG is endorsed as a voice that represents all women of Northern Ireland on a policy level. This group has collective expertise on protected characteristics and focus on identifying the intersectional needs of all women. The WPG membership is broad and has a deep understanding of how best to approach the impact COVID-19 is having on women in Northern Ireland.



Please note, not all member organisations of the Women's Policy Group have specific policy positions on all the areas covered throughout the Feminist Recovery Plan. Therefore, individual experts from each of the organisations below contributed to the sections that cover their own areas expertise.

The Feminist Recovery Plan was prepared by:

Rachel Powell (Women's Resource and Development Agency)
Elaine Crory (Women's Resource and Development Agency)
Jonna Monaghan (Northern Ireland Women's European Platform)
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Louise Coyle (Northern Ireland Rural Women's Network)
Clare Moore (Irish Congress of Trade Unions)
Geraldine Alexander (Northern Ireland Public Service Alliance)
Helen Flynn (Human Rights Consortium)
Helen Crickard (Reclaim the Agenda)
Gráinne Teggart (Amnesty International UK)
Emma Osbourne (Women's Aid Federation Northern Ireland)
Aisha O'Reilly (Politics Plus)
Karen Sweeney (Women's Support Network)
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The content of this Plan is supplemented by additional WPG COVID-19 research and the WPG Women's Manifesto 2019 which was written and supported by the following organisations:

Women's Resource and Development Agency (WRDA)
Northern Ireland Rural Women's Network (NIRWN)
Transgender NI (Trans NI)
Northern Ireland Public Service Alliance (NIPSA)
Irish Congress of Trade Unions (ICTU) Northern Ireland Committee
Reclaim the Night (RTN) Belfast
Committee on the Administration of Justice (CAJ)
Politics Plus
Belfast Feminist Network (BFN)
HERE NI
Northern Ireland Women's European Platform (NIWEP)
Reclaim the Agenda (RTA)
Alliance for Choice
Women's Aid Federation Northern Ireland
Women's Support Network (WSN)
DemocraShe
Raise Your Voice (RYV)

Based on the evidence outlined in each section of the Plan, recommendations will be made for gender-responsive budgeting and policy-making to both the NI Assembly and UK governments. The Feminist Recovery plan advocates for a feminist recovery to COVID-19, with the aim of not only avoiding deepening gender inequalities through recovery planning, but also tackling the gendered inequalities that already exist in our society.



Economic Justice Pillar



Paramilitarism, Gate Keeping and Control of Funding

Paramilitarism is a reality in Northern Ireland, and continues to be a significant issue despite it being almost 23 years since the Good Friday/Belfast Agreement was signed. The reality of our history means that it is difficult to draw a line under the legacy of the violence of the past and those who were involved with it, but this does not mean that efforts to do so should cease. Paramilitary organisations continue to exist, despite, in most cases, ceasefires being in place and the conflict being behind us. Further, many of those who are involved in paramilitary activity are not the same actors that were involved during the conflict, and the activities that continue to come under the umbrella name of “paramilitary activity” are not the same as those carried out during the conflict. Evidently, these organisations continue to recruit new members, and to engage in activities that would ordinarily be categorised as common criminality; loan-sharking, protection rackets, and drug dealing.

The Justice Minister, Naomi Long, has signalled her intention to introduce Unexplained Wealth Orders; however, this legislation is yet to be put in place. This would be a welcome change, but it is vital that these Orders are used properly and wherever appropriate to tackle paramilitarism. Another, and arguably more difficult barrier, is the concern that there may be a lack of political will to truly uproot the paramilitary organisations behind some of this criminality.

Paramilitary run organisations continue to act as community organisations within many vulnerable communities and many are in receipt of public money. These same community workers and organisations can act as gatekeepers within their communities, choosing favoured organisations to work alongside and choking off support to groups that may challenge or question paramilitary influence.

These organisations are often highly male-dominated, leading to the silencing of women's voices within the local community and reinforcing gender divisions.

This problem has been further exacerbated by the UK's refusal to apply UNSCR 1325 to the Northern Ireland conflict. The Paramilitary Crime Task Force has arrested multiple individuals, but has not been able to stamp out the organisations themselves. More robust action against these organisations would actually free up money to be invested in the communities that are currently being harmed by this coercive control, many of which have some of the worst levels of deprivation in the UK and even in Europe.

Summary of Recommendations:

- * More robust and routine checks on the bona fides of community organisations to screen out those with active involvement in ongoing paramilitary and/or criminal activity.
- * Continue to support the introduction and implementation of Unexplained Wealth Orders legislation in Northern Ireland.
- * Increased efforts to tackle issues of loan-sharking, which are prevalent among paramilitary groups. These issues particularly impact upon those with limited incomes, such as women; who are more likely to be in precarious or part-time employment, and on average earn less per year than men.

Social Justice Pillar



Racial Justice

The WPG stands in solidarity with the Black Lives Matter (BLM) movement. We are deeply concerned about how the PSNI treated the Black Lives Matter protesters in Belfast and Derry/Londonderry on Saturday 6th June 2020. We note that it has been confirmed that a last-minute amendment was made to the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020¹ just hours before the anti-racism protests started, which attached enforcement powers to the regulations and enabled the PSNI to fine those in attendance; despite evidence of safety and social distancing being in place. Since the protest, the PSNI's actions have been described as both discriminatory² and unlawful.³ As noted in the Policing Board Report, which reviewed the PSNI's response to the BLM protest:

“The approach sent the wrong message to protesters and damaged the reputation of the PSNI and the confidence of some members of the public. Whatever the rights and wrongs of going ahead with the protests and the difficulty of social distancing given the transmission rates for the virus at the time, this approach was not lawful.”⁴



¹ Department of Health (2020) 'The Health Protection (Coronavirus, Restrictions) ([Amendment No. 5](#)) Regulations'

² Young, D. (2020) "[Policing of Black Lives Matter Protests was Discriminatory – Ombudsman](#)" Belfast Telegraph [article]

³ Northern Ireland Policing Board (2020) '[Report](#) on the Thematic Review of the Policing Response to COVID-19'

⁴ Ibid. p 51.

The New Decade New Approach Agreement made a commitment to create a Racial Equality Strategy as part of the Programme for Government.⁵ The development and implementation of this Strategy is more important than ever, with racism being an issue that has become increasingly prevalent in Northern Ireland in recent years.

In 2016-17, statistics show that racially motivated hate crime overtook sectarian hate crimes for the first time in the history of Northern Ireland.⁶

More recently, the PSNI recorded 936 racist incidents including 626 racist crimes between April 2019 and March 2020.⁷ Many people may not have felt able to report to the police and so the real figure is likely much higher. We are calling for the urgent implementation of the Racial Equality Strategy, committed to within the New Decade, New Approach agreement, and for further measures to be taken in the Programme for Government, to tackle the systemic racism that exists in NI.



⁵ [New Decade New Approach Agreement](#) (2020), p. 27.

⁶ PSNI (2018) "[Trends in Hate Motivated Incidents and Crimes Recorded](#) by the Police in Northern Ireland 2004/05 to 2017/18," p.6

⁷ PSNI (2020) "[Incidents and Crimes with a Hate Motivation](#) Recorded by the Police in Northern Ireland," p.4

In Northern Ireland, racism is so deeply embedded in our society that it is even in our built environment. In Newry, there is a statue and a street dedicated to John Mitchel, a supporter of the trade in enslaved people who called for the reopening of the African slave trade in 1957 and described Black people as “innately inferior.” We have a duty to recognise our own privilege and begin to dismantle the pillars that uphold systemic racism; including aspects of our built environment that glorify prominent racists.

We also support calls for the closure of the Larne House Immigration Detention Centre in the Larne PSNI Station. This centre houses women and men together. There is no women-only recreation space and so many women are forced to self-confine to their rooms due to safety concerns. The poor conditions and inadequate facilities for traumatised people needlessly incarcerated here has been highlighted by HM Inspectorate of Prisons multiple times. It is entirely inappropriate to house an immigration detention centre in a PSNI station as this prevents people with irregular immigration status from coming to the PSNI for help. This is a situation that disproportionately impacts people of colour.



Summary of Recommendations:

- * We call on all parties to support the urgent cancellation of all fines issued to protesters; particularly as there have been several allegations of black protesters being specifically targeted and fined.
- * Immediately close the Larne Detention Centre.
- * Fully implement a Racial Equality Strategy, which incorporates accountability mechanisms, into the Programme for Government to address systemic racism.
- * Better and more transparent collection and reporting of ethnicity data is needed to understand the full impact of COVID-19.
- * Support calls for scrapping No Recourse to Public Funds.
- * Complete and publish meaningful and comprehensive equality impact assessments of all COVID-19 policy decisions informed by intersectional data.
- * Ban exploitative zero-hour contracts and increase the real living wage to improve the working conditions of people of colour, particularly women, who are over-represented in low-paid precarious work (relevant to DoJ given its roots in racial inequality).
- * Support families' access to educational resources and equipment at home to minimise the increased racial attainment gaps - including the provision of IT equipment and additional support for parents (relevant to DoJ given its roots in racial inequality).
- * Introduce quotas and shortlists to increase the levels of representation of people of colour, especially women, in public life in Northern Ireland given the non-existent representation at present (relevant to DoJ given its roots in racial inequality).



Politics, Public Life, Peacebuilding and Decision Making

As the impact of COVID-19 is deeply gendered, a rights-based approach and gender post-conflict analysis of the Northern Irish context must therefore be at the centre of the COVID-19 response and recovery process.

The Women, Peace and Security Agenda provides an essential framework for analysing and responding to COVID-19. However, dispute over the legal status of the conflict in Northern Ireland continues to preclude application of UNSCR 1325 on Women, Peace and Security to the region. In 2008, 2013 and 2019 the CEDAW⁸ Committee called for the implementation of UNSCR 1325 on Women, Peace and Security in Northern Ireland,⁹ as has the UN Special Rapporteur on Violence against Women. A consultation on legacy issues (2018) acknowledged that a 'disproportionate number of survivors and family members are women.'¹⁰ Despite this, there has been little progress on increasing women's participation in securing peace or in post conflict reconstruction in Northern Ireland.

Extensive consultation with women found that many feel disempowered, have difficulty circumnavigating community gate-keepers (including paramilitary groups) and fear harm if they were to speak out.¹¹ Despite this, the 2014 Stormont House Agreement (SHA) contained no specific mechanisms for increasing the involvement of women; nor did the New Decade, New Approach agreement mention women at all.



⁸ United Nations (1979) [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), Articles 1 and 2. The UK signed the Convention in 1981 and ratified in 1986.

⁹ Concluding Observations [2019](#), 2013, 2008 on examinations of the UK under CEDAW

¹⁰ Northern Ireland Office (2018) "[Addressing the Legacy of Northern Ireland's Past](#)" [Consultation Paper]

¹¹ [Council of Europe Convention](#) on the prevention and combating violence against women and girls (Istanbul Convention, 2011)

Multiple reports, including annual reports of the Commissioner for Public Appointments for Northern Ireland; the Inquiry by the All-Party Parliamentary Group on UNSCR 1325 Women, Peace and Security (2014); and repeated CEDAW Committee Concluding Observations, have concluded that **women's under-representation in political and public life and peacebuilding in Northern Ireland is a serious matter to be addressed as a matter of urgency**. We have already seen the impact of women's participation being absent from COVID-19 emergency response planning; as evidenced in the Executive roadmap to recovery which neglected to mention childcare.

It is imperative that women are included in COVID-19 recovery planning, across all departments in Northern Ireland. The COVID-19 crisis with its particular impacts on women's income, socioeconomic independence and increased caring responsibilities is likely to compound barriers to women's involvement in peacebuilding and decision-making processes. As the Women, Peace and Security agenda provides an essential framework for analysing and responding to COVID-19, the structures, policies and guidance contained in the agenda should be applied to the COVID-19 response in Northern Ireland.

Summary of Recommendations:

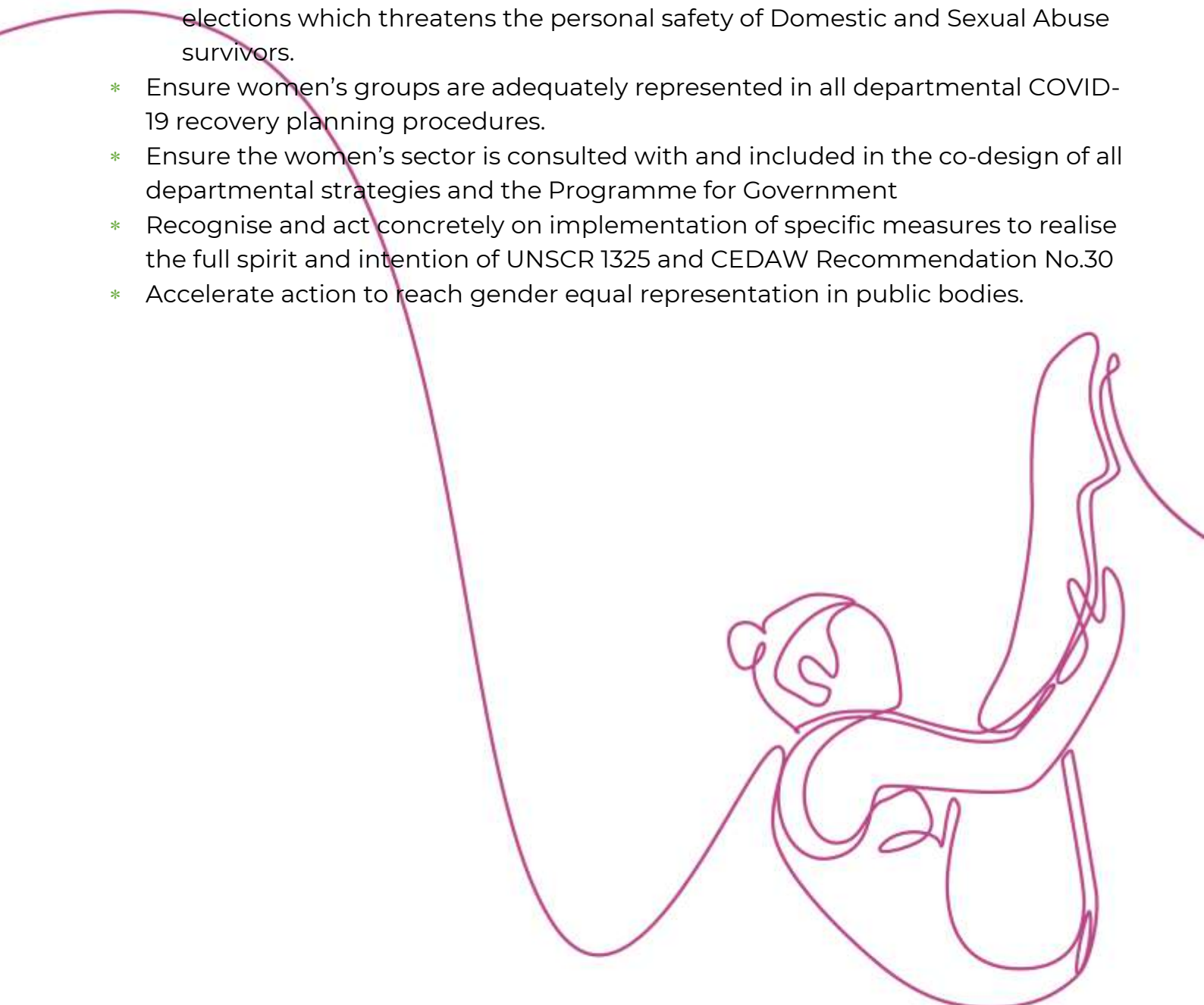
- * Future mechanisms for dealing with the legacy of the past in NI must actively encourage the participation of women, regardless of what exact form they take. Broader adoption of the 'Gender Principles for Dealing with the Legacy of the Past'¹² (2015), developed by a multi-disciplinary group of human rights experts and academics, could assist in achieving this.
- * Guarantee women's participation in transitional justice mechanisms envisaged in the draft Northern Ireland (Stormont House Agreement) Bill. Implement special temporary measures to advance women's substantive equality.

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¹² O'Rourke, C. (2015), '[Gender Principles for Dealing with the Legacy of the Past](#)', Transitional Justice Institute,

- * Address obstacles to participation including: intimidation and violence by paramilitary groups. As noted by the 2014 inquiry by the All-Party Parliamentary Group on Women, Peace and Security, these can include;
 - Online abuse of women political and public representatives;
 - Intersectionalities which compound barriers to participation e.g. specific issues impacting BME women, disabled women, rural women, LGBT+ women, younger women, lone parents and those with childcare responsibilities;
 - The rule obliging political candidates to publish their home addresses for elections which threatens the personal safety of Domestic and Sexual Abuse survivors.
- * Ensure women's groups are adequately represented in all departmental COVID-19 recovery planning procedures.
- * Ensure the women's sector is consulted with and included in the co-design of all departmental strategies and the Programme for Government
- * Recognise and act concretely on implementation of specific measures to realise the full spirit and intention of UNSCR 1325 and CEDAW Recommendation No.30
- * Accelerate action to reach gender equal representation in public bodies.



Restorative Justice

The WPG believe restorative justice has a place within the criminal justice process in dealing with hate crime in Northern Ireland.¹³ It is clear that punitive responses such as prison sentences can have limited deterrent value and can act as breeding grounds for intolerance and hate. To reduce hate crimes in NI, a range of approaches are likely to be needed, but there should be a focus on phasing out punitive measures in favour of processes more likely to reduce violence against already marginalised communities, through restorative justice, increased education etc.

However, restorative justice processes need to be entirely victim-led. Victims must not be put into a position where they can be pressurised by the offender, for example, because of their relationship, to opt for restorative justice measures as an alternative to seeking punitive justice. Further, restorative justice should only be an option in cases of “low-level” crimes. In relation to domestic violence and sexual abuse, it is regrettable that we have a system that does not prioritise true rehabilitation, but alternatives within the current system are not feasible. In the case of the often-suggested approach of restorative justice, there are serious concerns as it applies to the crime of domestic abuse.

Restorative justice, even if victim-led, is not appropriate if there are power disparities between participants, and in the case of a victim and abuser, power resides with the abuser by the nature of the offence.¹⁴



¹³ Women's Resource and Development Agency (WRDA) (2020) [Response](#) to Restorative Justice Consultation.

¹⁴ For more information, see: Liebmann, M. and Wootton, L. (2010), '[Restorative Justice and Domestic Violence/Abuse](#)', HMP Cardiff

The prominence of the Black Lives Matter movement in political discussions this year has led to increased awareness of and movement towards many of their political asks, particularly, the defunding of police and the need to ensure justice while prioritizing care for our communities. Resourcing and centring restorative justice is an important step in that process, but is not the only step. The demilitarisation and defunding of the police service would free up funds to go directly to communities, reducing poverty and hence reducing crime. It would also allow for a more fit-for-purpose system for dealing with cases requiring genuine community care where armed officers may not be as helpful as, for instance, mental health crisis teams with extensive training on de-escalation and suicide prevention, or a for-purpose domestic violence response team based in social care.

We welcome the current consultation process from the Department of Justice on Restorative Justice, but recognise that a consultation does not ensure action.

The Department of Justice should commence work into the demilitarisation of the Police Service, and move to prioritising care in our communities. The WPG will provide further recommendations on restorative justice in this consultation process.



No Recourse to Public Funds/ Immigration

The barriers to accessing social security for the migrant community have been painfully highlighted during the economic uncertainty of the coronavirus crisis. Section 3(1)(c)(ii) of the Immigration Act 1971¹⁵ provides that limited leave to enter or remain in the United Kingdom may be subject to a condition requiring that person maintain themselves, and any dependents, without recourse to public funds. This is known as 'No Recourse to Public Funds' (NRPF). Since 2012, a 'NRPF condition' has been imposed on nearly all migrants granted the right to live or work in the UK. This means the person holding leave is permitted to work in the UK and pays taxes, but is prohibited from accessing the public funds¹ paid for by those very taxes. Breaching a NRPF condition can result in a criminal conviction, can negatively impact future immigration status; and applying to have NRPF lifted can result in a visa renewal period being changed to a ten-year route.

Local authority and social services departments have some limited statutory duties to provide support to people who are subject to NRPF. For example, in Northern Ireland, social services commonly are required to step in and protect the welfare of children who have become destitute due to NRPF. However, some NRPF groups are excluded from local authority support, unless it is necessary to prevent a breach of their human rights. In practice, it can be very difficult to obtain support from social services. A report by the Migration Observatory found that around 1.376 million people hold valid UK visas that are subject to the NRPF condition.¹⁶

¹⁵ UK Government (1971) [Immigration Act \(Section 3\)](#) [Legislation]

¹⁶ The Migration Observatory (2020) '[Between a rock and a hard place: the Covid-19 crisis and migrants with No Recourse to Public Funds \(NRPF\)](#)'



People who have been living, working and contributing to taxes in the UK for years are subject to this measure. The policy also disproportionately impacts vulnerable groups such as single parent households, pregnant women and people subject to domestic violence, leaving them without the safety net of social welfare and throwing families into destitution.¹⁷

This was exacerbated during the coronavirus crisis as job losses and economic uncertainty left people subject to NRPF unable to access support, leaving them forced to work in unsafe conditions, trapped in unsafe housing, and unable to self-isolate and support their families. An example is in Northern Ireland the Discretionary Support (Amendment) (COVID-19) Regulations (Northern Ireland) 2020 created a Discretionary Support Grant designed to urgently support those affected by the Coronavirus crisis.¹⁸ However, these grants are listed as a public fund in Paragraph 6 of the Immigration rules, excluding persons subject to NRPF from accessing them.

The NRPF policy disproportionately impacts vulnerable groups such as single parent households, pregnant women and victims of domestic violence (predominantly women). The impact of this policy was exacerbated during the coronavirus crisis, as job losses and economic uncertainty left people subject to NRPF unable to access support. In Northern Ireland, the Covid-19 Discretionary Support (Amendment) Regulations created a Discretionary Support Grant to urgently support those affected by the Coronavirus crisis. However, persons subject to NRPF cannot access these.

Summary of Recommendations:

- * The NRPF policy must be suspended in light of the coronavirus pandemic and the economic downturn faced as we move out of lockdown.
- * Long term, the policy must be abolished in order to ensure that those who have worked and contributed taxes and the most vulnerable in our society can access the support they need to live in safety and dignity. DoJ should support and forward calls to do this.

¹⁷ Maternity Action (2020) '[Migrant Women, No Recourse to Public Funds and the Pandemic](#)'

¹⁸ [The Discretionary Support \(Amendment\) \(Covid-19\) Regulations \(Northern Ireland\) 2020](#).

Cultural Pillar



Women and Girls in the Media, Rape Culture & Violence Against Women

Sexism and the sexist portrayal of women and girls in the media remains a serious issue in Northern Ireland. Most visibly focused on women in public life, it impacts not just those women, but women and girls who are exposed to it. Research by Girlguiding UK shows that the single biggest reason listed by girls aged 11-16 that they are put off entering public life is because:

“Women leaders are criticised more than male leaders,” with the third largest percentage saying that “there is too much focus on how they look and not on what they do.”¹⁹

This demonstrates clearly the impact that this kind of media coverage has; while the women directly named may have developed a “thick skin,” the young women looking on will often exclude themselves for careers they would otherwise choose because of this scrutiny.



¹⁹ Girlguiding UK (2019), '[Girls' attitudes survey](#)'

The same research from Girlguiding UK reports that young women are negatively influenced by advertising, in both traditional media and social media, that promotes certain beauty standards and encourages the use of cosmetic surgery, extremely restrictive dieting and similar methods including medically unsafe detox and diet products. With eating disorders on the rise and the damage that they can do known to medical professionals, this is something that needs to be strictly regulated for a number of different reasons.²⁰

Further, media can be especially critical when considering the intersectional identities that people have, with trans women and women of colour particularly impacted by intense media scrutiny. *In addition to this, there are serious issues with the way the media report on sexual offences and on domestic abuse, violence and homicide.* Many headlines, in particular, mislead the reader and can reinforce myths around sexual and intimate partner violence.

Level Up campaigned to have guidelines accepted to prevent further trauma to victims and their families and to avoid sending the wrong message about the nature of intimate partner violence.²¹ While they were successful, there are still numerous instances of this occurring in the media and guidelines therefore need to be enforced more stringently.

Rape Myths and Rape Culture

The WPG welcome the publication of the Gillen Review Implementation Plan in June 2020. Many of the changes recommended in the Gillen Review would be transformative for the experience of reporting rape or other serious sexual offences, and since the Gillen review was commissioned by the state, there is an imperative to act upon its recommendations as soon as possible. One specific recommendation of the Gillen Review was a public awareness campaign, funded by the state, to tackle rape myths and to counter misinformation and confusion on the issue of consent. However, according to the Implementation plan, this will not be carried out until 2022.²²

²⁰ Marsh, S. (2019) "[Hospital admissions for eating disorders surge to highest in eight years](#)" The Guardian [article]

²¹ Petter, O. (2019) "[Feminist Group Wins Campaign to Change how Media Reports Domestic Abuse](#)" The Independent [article]

²² Northern Ireland Department of Justice (2020) Gillen Review: [Implementation Plan](#).

Before then, a public awareness campaign should begin in formal educational institutions, specifically schools and third level organisations, and such a programme must deal with issues around consent and boundaries, in an age-appropriate manner.

Sex and relationships education is currently dependent on individual schools who can choose who to invite to cover the topic and can do so in a way that does not effectively deal with these issues. In addition, they are sometimes entirely heteronormative, not covering LGBTQ+ relationships at all, and therefore not providing the necessary skills to an especially vulnerable demographic.

The Gillen Review Report contains over 200 recommendations that are wide-ranging and overwhelmingly welcomed by the women's movement in Northern Ireland. One of its key recommendations is Recommendation Number 18: "That the press and media should be party to a voluntary protocol governing how serious sexual offences are reported." This is especially true when reporting on rape myths.²³ Gillen writes:

"Rape myths are a trial reality and can often form the basis of aggressive cross-examination and may attract the unreasonable thinking of jurors. Moreover, for all kinds of societal reasons, complainants often buy into these myths, blaming themselves. I regard them as potentially a major challenge to the concept of a fair trial."

²³ Northern Ireland Department of Justice (2019) [Gillen Review](#)

Raise Your Voice recommendations on media guidelines (endorsed by the WPC):

- Guidance must require reports to specify who they are quoting when quotations are used, particularly when they are quoting defence teams' characterisation of a complainant or complainant's behaviour.
- Guidance should encourage fact-based headlines, because merely using quotation marks around words does not necessarily convey to the reader that this is a person's opinion or a defence's argument.
- Guidance that encourages the centring of victims, particularly after a guilty verdict, as opposed to centring the wasted potential or the tribulations of the convicted sex offender.
- Guidelines requiring the clear identification of rape myths as rape myths, for example when a defence lawyer says "why didn't she shout or fight", a responsible publication will follow that reporting with the proviso that in fact that most rape victims do not shout or fight.
- The detailed reporting of the very few cases where somebody has been falsely accused of rape or sexual assault should always be balanced by accounting for how rare these cases actually are. Failure to do so fuels a dangerous and common myth that these kinds of false accusations are common.
- Endeavour to make clear the difference between a failure to prosecute or a failure to convict and a proven false accusation.
- In the case of online content, publications should actively and adequately monitor comments or close comment sections entirely. Publications have a responsibility with regards to the spreading of misinformation and the potential damage to the public as well as to the complainant in any given case.
- When reporting on sexual crimes and especially serious sexual crimes, helplines and helpful websites for victims and survivors should be included at the end of the piece.



Violence Against Women

The WPG NI welcomes the proposed legislative changes regarding domestic abuse and violence both within the Northern Ireland Assembly and in Westminster Parliament. Activists, women's organisations and support providers have spent many years calling for adequate domestic abuse legislation in Northern Ireland. In the current global pandemic, domestic abuse and violence has sharply increased as many are put at greater risk due to the ongoing government-issued social distancing and lockdown measures. Creating adequate domestic abuse and violence legislation could not be more

pertinent than it is right now. Whilst the quick action to introduce Northern Ireland-specific legislation is to be welcomed, this legislation is now over three years old and it is essential that we learn from the lessons in other jurisdictions and ensure that the women's sector are included in the application and implementation of relevant legislation moving forward. Our full evidence submission, with detailed recommendations relating to the content of the bill, and most significantly, what is missing, can be read [here](#).

Summary of Recommendations:

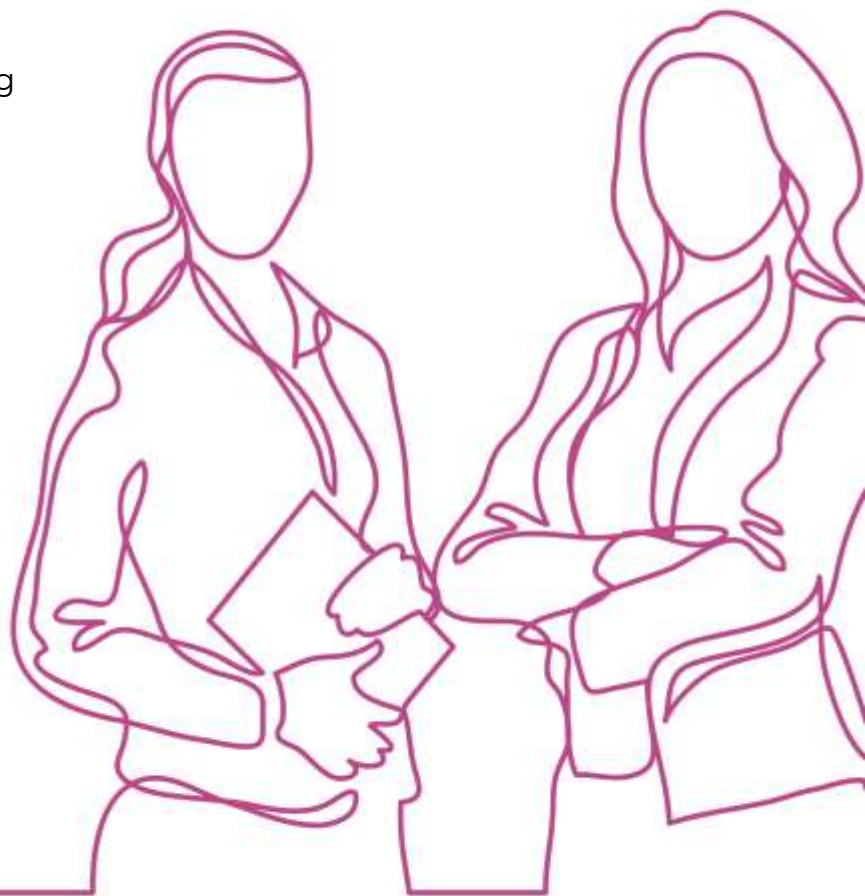
- * Beginning a public awareness campaign as soon as possible on the importance of responsible reporting on sexual offences, including an awareness campaign targeted at formal education institutions.
- * Ensure all awareness raising programmes in schools are in line with CEDAW General Recommendation 35, with a focus on informing and educating individuals on consent, sexual harassment and victim blaming to dismantle the belief that women and girls are responsible for their own safety.
- * We also recommend that a comprehensive, inclusive programme is developed on sex and relationships education, for all schools and third level institutions.



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- * Ensure that effective measures are taken within the justice system to address high attrition and low conviction rates for sexual offences.
- * Ensure that Violence Against Women and Girls is being reported in a responsible manner across media platforms so as to discourage victim blaming and rape myths as laid out in article 17 of the Istanbul Convention.²⁴
- * Address issues with reporting gender-based violence and threats to eradicate practices of victim-blaming, perpetuating myths and suggestions that women's behaviour should change.²⁵
- * Ensure that programmes and policies dealing with the elimination of exploitation, violence and abuse contain specific actions for disabled women.
- * Remove the 'reasonable defence' clause 12
- * Introduction of Stalking legislation
- * Introduction of non-fatal and fatal strangulation legislation
- * Recognition of Violence against Women and Girls and gender-based violence in line with the Istanbul Convention
- * Grant of Secure tenancies in cases of domestic violence and abuse with recognition of the differing needs of disabled women, traveller women, trans communities, rural women, migrant women etc.
- * Review of the court systems in NI including criminal, civil and family courts
- * Introduce a Domestic Abuse Commissioner for Northern Ireland (already in post for England and Wales).
- * Secure funding for specialised services and a review of tendering and procurement in relation to domestic violence and abuse services.
- * Provide guidelines to employers on recognising the signs of abusive behaviour.
- * Fully funded programme to raise public awareness of domestic abuse.

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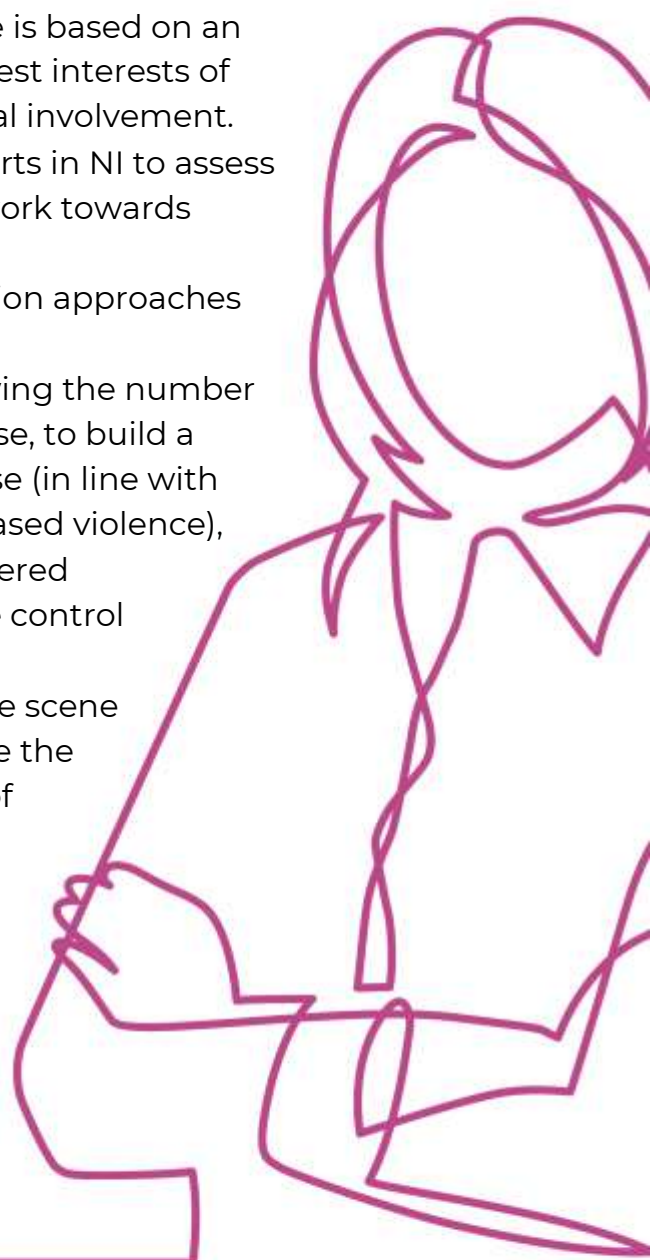


²⁴ Council of Europe (2011) [Istanbul Convention](#)

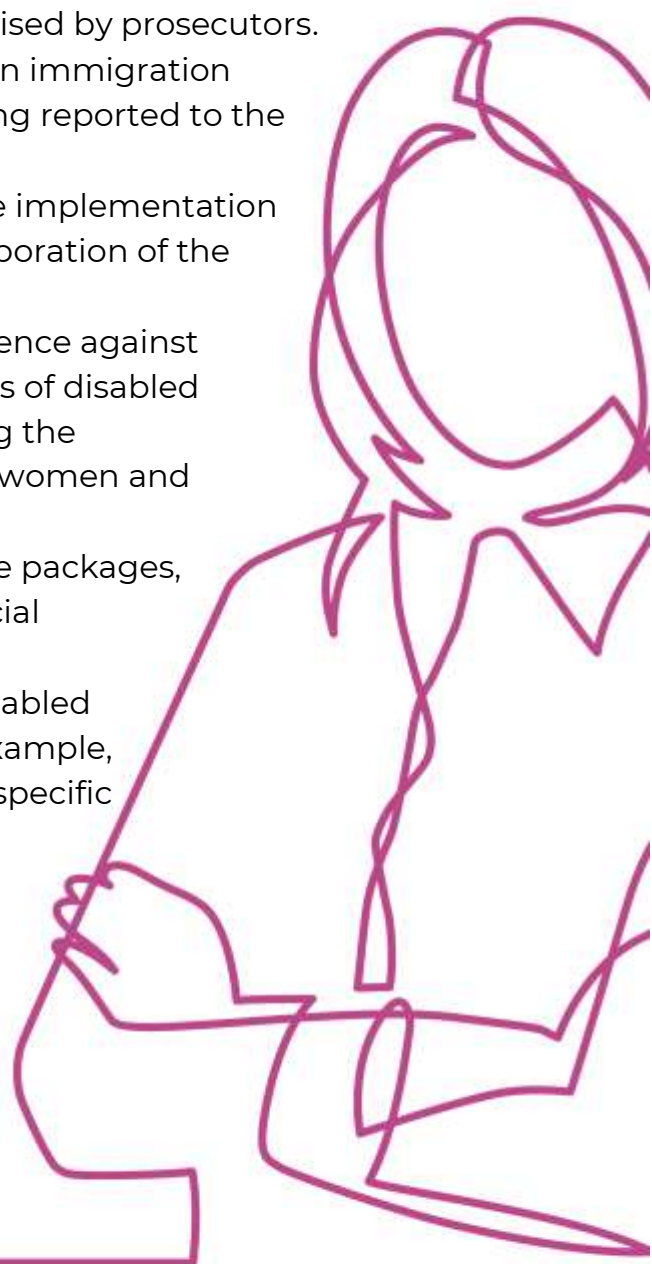
²⁵ For example, following the misogynistic attacks on three women in South Belfast in October 2020, [PSNI advice](#) was centred around the need for women to stay indoors and not go out alone at night; rather than on the need for targeted action against misogynistic hate crime in Northern Ireland.

- * Tackle heteronormative assumptions and increase awareness of domestic violence within the context of LGBT+ people,
- * Recognition of disproportionate impact on rural women, areas of paramilitary control, migrant women, LGBT+ groups, disabled women etc.,
- * Powers to deal with domestic abuse:
 - Introduction of domestic abuse protection order,
 - Introduction of domestic abuse protection notices,
 - Safer family court and child contact system,
 - Improve child safety through: prohibiting unsupervised child contact for a parent on bail for domestic violence and abuse, or where there are ongoing criminal proceedings,
 - Child contact in cases of domestic abuse is based on an informed judgement on what is in the best interests of children, not the presumption of parental involvement.
- * An independent statutory review of family courts in NI to assess how they deal with domestic abuse cases to work towards consistent outcomes across NI.
- * More rigorous and innovative evidence collection approaches to support successful prosecutions including:
 - Use of the Domestic Violence register showing the number of times police have been called to the house, to build a picture of the frequency and nature of abuse (in line with CEDAW Recommendation 35 on gender-based violence),
 - Use of PSNI intelligence and evidence gathered from incidents to build a picture of coercive control as a course of conduct,
 - Use of body worn camera evidence from the scene on each occasion to effectively demonstrate the impact and seriousness of abuse. In parts of England where body worn cameras have been rolled out, there is a marked increase in the severity of sentences for domestic violence related crimes.

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- * NI has not fully implemented an Independent Domestic Violence Advisor service nine years after its recommendation; any service should be specialised and not gender-neutral and consideration should be given to the introduction of children's IDVAs and making IDVAs mandatory in police stations.
- * Ensure there is effective reporting and monitoring of all section 75 groups by the PSNI to ensure the diverse needs of victims from various minority groups can be met.
- * Addressing re-offending – highlighting the lack of a framework of prevention, rehabilitation and restorative justice in NI.
- * Guidelines for sentencing for coercive control,
- * Guidelines for measuring non-physical harm,
- * Ensure victims' statements cannot be weaponised by prosecutors.
- * Provide guarantees that women with uncertain immigration status can seek justice without their cases being reported to the Home Office.
- * Create an inter-departmental approach for the implementation and creation of other legislation with the collaboration of the third sector.
- * Provide guidance and support to frontline violence against women organisations and refuges to the needs of disabled women in danger of domestic abuse; including the communication and access needs of disabled women and reasonable adjustments,
- * Create greater flexibility in the provision of care packages, particularly for disabled women trapped in social isolation and in danger from Domestic Abuse,
- * Support particular provisions of support for disabled women in both the Domestic Abuse Bill (for example, the StaySafe East amendments) and through specific support in any miscellaneous bill to follow the Domestic Abuse and Family Proceedings Bill.



Hate Crimes and Online Abuse

With the recent publication of Judge Marrinan's Northern Ireland Hate Crime Review,²⁶ it is vital that elected representatives take rapid action to create updated legislation to address the growing crisis of increased hate crimes and online abuse towards women and minority groups. Tackling hate crime should be an immediate priority for the Executive moving forward out of COVID-19. The Women's Policy Group submitted a detailed Hate Crime Legislation Review consultation response which you can read [here](#). While the WPG welcomes gender being recognised as a protected characteristic in Hate Crime legislation, it will continue to call for; misogyny and transphobia to be added as hate crime characteristics; legislation to account for intersecting identities; the recognition of the harm caused by online abuse towards women; a full review of outdated and absent legislation in Northern Ireland relating to hate crime, and more mass investment into training and education throughout the judicial system and society as a whole.

There have been 1,220 reports of online violence towards women in Northern Ireland since 2015 (the total could be even higher than the figures suggest as not all crimes specified the gender of the victim). In 2017-18 the PSNI saw the highest annual figure ever recorded with 433 women feeling so threatened they reported to the police – 30 of these involved death threats with another 394 constituting harassment.²⁷

²⁶ Judge Marrinan (2020) '[Hate Crime Legislation in Northern Ireland: Independent Review](#)'

²⁷ ITV News (2018) '[Reports of Online Violence Towards Women in NI](#)' [article]

The issue of online abuse against women is extremely concerning. It has prompted the creator of the internet, Sir Tim Berners-Lee, to say that “the web is not working for women and girls.”²⁸ Berners-Lee stated that while the world has made important progress on gender equality he is “seriously concerned that online harms facing women and girls – especially those of colour, from LGBTQ+ communities and other marginalised groups – threaten that progress.” Berners-Lee said that “for many who are online, the web is simply not safe enough” and that online abuse:

“Forces women out of jobs and causes girls to skip school, it damages relationships and leads to tremendous distress. Relentless harassment silences women and deprives the world of their opinions and ideas, with female journalists and politicians pushed off social media and bullied out of office.”

Public figures, MPs and journalists are often particular targets of online abuse, but people who aren't in the public eye are also experiencing abuse, especially if they speak out about issues like sexism and use campaign hashtags. Several recommendations were made and can be viewed [here](#).

In the independent review of hate crime in Northern Ireland, Judge Marrinan acknowledged the issue of hateful abuse online as part of this Review, citing the abuse that many women politicians both in Westminster and locally in the Northern Ireland Assembly have to endure often on a daily basis.

²⁸ Sir Tim Berners-Lee (2020) “[Why the web needs to work for women and girls](#)” Web Foundation.

This is a significant issue which has led to the resignation of a number of women MPs in recent years with obvious impacts for gender equality and ensuring that the voices of women in politics are heard.

Online abuse of some of Northern Ireland's female politicians has prompted calls to establish a cross-party working group on misogyny. Cara Hunter, SDLP MLA and Deputy Mayor of Derry has been subjected to near-constant "sexual and violent messages and threatening voicemails." DUP MLA Carla Lockhart said that online abuse was something she had become accustomed to. She explained:

"Any time there's a picture of me on Twitter, no matter what it's connected with, I will have someone picking on my appearance."

It is important to have the best people involved in Government representing their communities. It is not possible to achieve this if women feel excluded from these positions due to this type of misogyny and online hate. Women make up half the population and their rights and interests cannot be adequately protected unless women are involved in positions of power and in Government.

Misogynistic behaviour of this kind limits women's representation and visibility not just in politics but in other spheres and it is therefore vital that this is tackled.



Online abuse against women and girls has specific implications, and often has a specific ferocity and disproportionate volume, for racialised women, LGBT+ women, and disabled women. In a wider UK context, the MP who received the most online abuse during the 2017 election was Diane Abbott, the first black woman to be elected MP.²⁹ Further, online abuse against trans women and girls has skyrocketed in the past number of years, fuelled by animosity in the media, lack of political support, and lack of accountability for multinational social media companies.

Summary of Recommendations:

- * Introduce an adequate working definition of hate crime,
- * Create a consolidated hate crime legislation model for Northern Ireland,
- * Replacing the enhanced sentencing model with the statutory aggravation model,
- * Apply the statutory aggravation model to all protected characteristics,
- * Introduce specific guidelines and extensive programmes of training and education on any new model of hate crime legislation; including what the protected characteristics are and the consequences of committing a hate crime,
- * Recognising gender as a protected characteristic through specifically treating misogyny as a standalone hate crime,
- * Recognise transgender identity a protected characteristic,

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²⁹ Amnesty International (2017) '[Unsocial Media: Tracking Twitter Abuse against Women MPs](#)', Amnesty Insights



- * Recognise intersex identity as a protected characteristic,
- * Create a legal framework that recognises the importance of intersectionality to adequately reflect the experiences and identities of victims and motivations of perpetrators,
- * Require the court to state if offences are aggravated, reflect this on court records and outline the difference the aggravation had on sentencing,
- * Record aggravated offences on criminal justice records,
- * Create a statutory legal definition of “hostility”,
- * Add equivalent provisions to Sections 4, 4A and 5 of the Public Order Act 1986 to the Public Order (Northern Ireland) Order 1987,
- * Remove “dwelling” defences,
- * Include all protected groups under the stirring up provisions of the Public Order (NI) Order 1987,
- * Recognise the severe harm caused by online hate speech against women,
- * Update and amend existing legislation dealing with public order, malicious communications and harassment to reflect the changing nature of communications due to social media,
- * Ensure online harm is fully covered within hate crime legislation,
- * Strengthen law relating to public authorities tackling hate expressions in public spaces,
- * Implement victim-led restorative justice programmes in collaboration with community-based organisations,
- * Commission extensive research specific to Northern Ireland to tackle the under-reporting of hate crime and mistrust from minorities in reporting services,
- * Adequately fund and expand the Hate Crime Advocacy Scheme,
- * Restrict the press reporting of hate crime victims where appropriate,
- * Create measures for legislative consolidations and scrutiny.

Conclusion

The Feminist Recovery plan provides a roadmap to recovery that will address gender inequality in Northern Ireland. This plan has been created by experts working in women's rights, LGBT+ sector, human rights, trade unions, campaigning organisations, rural groups NGOs and more. This plan provides significant evidence under the multiple pillars, including:

1. Economic Justice Pillar
2. Health Pillar
3. Social Justice Pillar
4. Cultural Pillar
5. Brexit and a Bill of Rights for Northern Ireland
6. International Best Practice

Experts have provided evidence under each pillar of this plan and our recommendations are clear - the recovery from COVID-19 cannot come on the backs of women. If the recommendations throughout this plan are taken on board, significant progress will have been made to tackle deep gender inequality in Northern Ireland.

Further Information

The evidence and recommendations included in this report are department-specific and have been specifically developed for the Department of Justice. The full WPG Feminist Recovery Plan can be accessed [here](#), which includes more detail on the issues raised in this report and further recommendations for other NI departments, the NI Executive and the UK Government.

For questions or queries regarding the WPG Feminist Recovery Plan, please contact:

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Snapshot

Although the Feminist Recovery Plan was published in July 2020, as of February 2021, the majority of issues highlighted in the Plan are yet to be addressed. However, there have been some notable developments, such as the publishing of Judge Marrinan's Hate Crime Review and legislative developments regarding the Domestic Abuse and Family Proceedings Bill.

The Department of Justice has a responsibility to protect women and girls in Northern Ireland from the injustices they currently face on the basis of their gender. **It is crucial that the Department works with other NI Departments to tackle the issues raised in this report.** As a matter of urgency, the Department should:

- * Support calls for the closure of Larne Detention Centre.
- * Take action to ensure the full implementation of the Racial Equality Strategy.
- * Take action to address the persistence of gender-based violence, harassment and hate crime in society.
- * Include women's sector organisations in all COVID-19 recovery planning decision-making; carefully considering the gendered impact of these decisions.