

Written evidence submitted by The Women's Policy Group (WPG) [EOV0035]

1. Introduction:

The Women's Policy Group (WPG) is a group of policy experts and practitioners who advocate collectively for women and girls by promoting gender equality through an intersectional feminist lens. We challenge systemic injustice and discrimination affecting women and girls by informing society and influencing policy and law. Our work is informed by women and girls' lived experiences and rooted in international human rights law.

The WPG is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQ+ 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 is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level.

This response was prepared by the following WPG members:

- Elaine Crory – Women's Resource and Development Agency
- Aoife Mallon - Women's Resource and Development Agency
- Jonna Monaghan - Women's Platform

Please note that this response also includes evidence from other WPG work, compiled by a range of WPG members, and not all member organisations have specific policy positions on all the areas covered in this response.

Please note also that Elaine Crory is currently a Specialist Advisor to the Women and Equalities Committee's VAWG Enquiry. This evidence is submitted outwith that capacity and comprises evidence and recommendations by the Women's Policy Group NI.

The Women's Policy Group NI endorses the response to this call for evidence from Women's Platform.

2. Past Consultations Responses, Evidence Submissions and Briefings:

Several members of the Women's Policy Group have been campaigning on matters relating to Violence Against Women & Girls for many years. The WPG has published a wide range of evidence through various evidence submissions, public consultation responses and specific briefings on issues relating to this Inquiry. These include:

- WPG Justice (Sexual Exploitation and Trafficking Bill) written evidence submission and oral evidence presentation¹
- WPG Response to Home Affairs Inquiry into Spiking²
- WPG Submission on the Safe Leave Bill³,
- Submission to Health Committee on Safe Access Zones⁴,
- Submission to Justice Committee on Fatal and Non-Fatal Strangulation⁵,
- WPG Briefing on Treating Misogyny as a Statutory Aggravator in the Hate Crime Review⁶,
- Evidence submission to the committee on the Domestic Abuse and Civil Proceedings Bill in 2020⁷
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- Briefings to MLAs on the rise in domestic abuse in the beginning of the COVID-19 pandemic⁸,
- Calls for increased funding for domestic abuse support providers⁹,
- Calls for the urgent implementation of a Violence Against Women and Girls Strategy and broader measures to tackle gender-based violence in the WPG COVID-19 Feminist Recovery Plan¹⁰,
- Broader events such as our Feminist Recovery Plan Webinar Series analysing the rising levels of violence against women throughout COVID-19¹¹,
- Response to the Independent Hate Crime Legislation Review Consultation¹²,
- WPG Feminist Recovery Plan Key Briefing on Gender Based Violence¹³,
- WPG Response to the Department of Justice Public Consultation on Enhancing Legal Protections for Victims of Domestic Abuse¹⁴,

¹ WPG Justice (Sexual Exploitation and Trafficking Bill) written evidence submission and oral evidence presentation: <https://wrda.net/wp-content/uploads/2021/09/WPG-Written-Evidence-Submission-to-Justice-Sexual-Exploitation-and-Trafficking-Victims-Bill-24-September-2021-1.pdf>

² WPG Response to Home Affairs Committee into Inquiry into Spiking (2022): <https://wrda.net/wp-content/uploads/2022/01/WPG-response-to-Spiking-Inquiry.pdf>

³ WPG Response to Safe Leave Bill (2021): <https://wrda.net/wp-content/uploads/2021/12/WPG-Response-to-Safe-Leave-Bill-Dec-21.pdf>

⁴ WPG Evidence Submission to Safe Access Zones (2021): <https://wrda.net/wp-content/uploads/2021/11/WPG-Evidence-Submission-Safe-Access-Zones.pdf>

⁵ WPG Response to Non-fatal Strangulation Public Consultation (2021): <https://wrda.net/wp-content/uploads/2021/09/WPG-response-to-NFS.docx.pdf>

⁶ WPG Response to Department of Justice Response to Hate Crime Review (2021): <https://wrda.net/wp-content/uploads/2021/12/WPG-Summary-Response-to-DoJ-Response-to-Hate-Crime-Review-Dec-2021-.pdf>

⁷ WPG Evidence Submission to Justice Committee (2020) Domestic Abuse and Family Proceedings Bill: <https://wrda.net/wp-content/uploads/2020/06/WPG-NI-Evidence-Submission-to-Justice-Committee-05.06.20.pdf>

⁸ WPG Statement on the Gendered Impact of COVID-19 and Domestic Abuse (April 2020): <https://wrda.net/2020/03/26/statement-by-the-womens-policy-group-on-the-gendered-impact-of-covid-19/>

⁹ WPG Call for Emergency Funding for Domestic Violence and Sexual Health (May 2020): <https://wrda.net/wp-content/uploads/2020/06/WPG-Letter-Emergency-Domestic-Violence-Funding-.pdf>

¹⁰ WPG COVID-19 Feminist Recovery Plan (July 2020): <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

¹¹ WPG Feminist Recovery Plan Webinar Series - COVID-19 and Violence Against Women (in collaboration with Women's Aid and Raise Your Voice) summary briefing available here: <https://wrda.net/wp-content/uploads/2020/11/VAWwebinarsummary.pdf>; and recording available here: <https://wrda.net/wp-content/uploads/2020/11/VAWwebinar.mp4>

¹² WPG (April 2020) Hate Crime Legislation Independent Review Consultation Response: <https://wrda.net/wp-content/uploads/2020/12/WPG-Hate-Crime-Consultation-Review-Response-30.04.20-Updated.pdf>

¹³ WPG (April 2021) Feminist Recovery Plan Key Briefing on Gender Based Violence: <https://wrda.net/wp-content/uploads/2021/04/WPG-FRP-Gender-Based-Violence-Key-Briefing.pdf>

¹⁴ WPG (February 2021) Response to DOJ Consultation on Enhancing Legal Protections for Victims of Domestic Abuse: <https://wrda.net/wp-content/uploads/2021/02/WPG-Response-on-Enhancing-Legal-Protections-for-Victims-of-Domestic-Abuse->

- WPG Response to Private Members' Bill Consultation on Paid Domestic Abuse Leave¹⁵,
- WPG Response to Department of Justice Public Consultation on Consent to Harm for Sexual Gratification: Not a Defence¹⁶

WPG Feminist Recovery Plan

3.1. Overview of WPG Feminist Recovery Plan:

The WPG NI COVID-19 Feminist Recovery Plan highlights the disproportionate impact of the pandemic on women and makes several recommendations for addressing this impact. The Plan also provides detailed evidence of pre-existing gender inequalities in our society, which have become exacerbated as a result of the pandemic. The Plan covers a wide range of topics, including violence against women, health inequalities and women's poverty, within six main Pillars: Economic Justice, Health, Social Justice, Culture, Brexit, Human Rights and a Bill of Rights, and International Best Practice.

The WPG published a COVID-19 Feminist Recovery Plan in July 2020 (and a relaunched version in July 2021) that provided a comprehensive roadmap on how the NI Executive could not only address the disproportionate impact of COVID-19 on women, but also address the structural inequalities existed before the pandemic that led to such a disproportionate impact on women. A summary of recommendations from the Relaunched WPG Feminist Recovery Plan can be accessed [here](#).

Primary Research findings by WPG

The WPG NI have carried out a number of research projects in the past three years that relate specifically to the prevalence, scope and aftermath of VAWG. These include:

- WPG Protection from Stalking Bill written evidence submission and oral evidence presentation¹⁷ April 2021
- Violence Against Women & Girls in Northern Ireland: Women's Policy Group NI Research Findings¹⁸, April 2022
- After Violence: Attitudes & Reporting VAWG¹⁹, September 2023

The purpose of this research is both to ensure that recommendations that we make are informed by the lived experience of women we work with and for, and also to ensure that the experience of women in

[Public-Consultation.pdf](#)

¹⁵ WPG (January 2021) Response to Private Members' Bill on Paid Leave for Victims of Domestic Abuse: <https://wrda.net/wp-content/uploads/2021/01/WPG-Response-to-PMB-Consultation-Paid-Domestic-Abuse-Leave-Jan-21.pdf>

¹⁶ WPG (January 2021) Response to DOJ Consultation on Consent to Serious Harm for Sexual Gratification - Not a Defence: <https://wrda.net/wp-content/uploads/2021/01/Consent-to-harm-for-sexual-gratification-not-a-defence-by-WPG.pdf>

¹⁷ WPG Joint Submission to Protection from Stalking Bill (2021): <https://wrda.net/wp-content/uploads/2021/04/WPG-Joint-Submission-Protection-from-Stalking-Bill-16-04-2021.pdf>

¹⁸ Women's Policy Group NI, Violence Against Women & Girls Research Findings (2022) Available at: <https://wrda.net/wp-content/uploads/2022/04/WPG-VAWG-Research-Report.pdf>

¹⁹ Women's Policy Group NI, After Violence: Attitudes and Reporting VAWG, Key Findings briefing (2023) Available at: <https://wrda.net/wp-content/uploads/2023/09/AfterViolenceWPGPrimaryResearch.pdf>

Northern Ireland, which has a different legislative landscape as well as a different social landscape, scarred by decades of conflict, is heard in Westminster.

Northern Ireland's Executive Office (TEO) is presently in the process of consulting on the first Ending Violence Against Women & Girls Strategy. While other UK jurisdictions have had these in place for years, Northern Ireland is behind once again, and indeed presently does not have a Government in place, meaning that if the Strategy consultation is completed, there are no Ministers in place to sign it off, and no funds allocated towards its implementation.

Meanwhile, Northern Ireland occupies an unenviable position in comparison with our nearest neighbours and across Europe with regards to femicide; PSNI statistics show 8 women were murdered with a domestic abuse motivation in the period July 2021-June 2023²⁰; Women's Aid's data indicates that 39 women have died violently in Northern Ireland since 2017²¹, with evidence indicating that Northern Ireland has one of the highest femicide rates in Europe²². In addition, reported domestic abuse incidents and crimes continues to rise, as does reported sexual offences including rape.

We are aware that the Committee cannot publish work that has been published before, but for information and to illustrate the sources for our responses to the questions posed in the Call for Evidence, some data from this research is summarised below.

WPG Research on Stalking

In the WPG's 2021 Research to inform our response to the Protection from Stalking Bill, women spoke about their experiences of reporting stalking behaviours before adequate laws existed to prosecute the crime, including attitudes from police, and the impact on their wellbeing. The following are some key findings:

When asked: If you wish to, please detail your stalking experience(s) In response to this question, the vast majority of respondents disclosed their relationship to their stalker(s).

Throughout these responses, 79% of respondents identified their stalker as either an ex-partner or someone they had previously dated. A further 23.7% referenced being stalked by an acquaintance or a "friend of a friend" and 10.5% also referenced being stalked at school, or by someone they knew from school several years previously. 18.4% of respondents also referenced being stalked by a stranger or random person; 2.6% referenced being stalked by an employer and 2.6% referenced being stalked by a colleague.

In addition to this, 52.6% of respondents referenced being stalked at their home; 31.6% being stalked at their workplace; and 10.5% referenced being stalked at school or university. A worrying 47.4% of respondents referenced being physically followed by their stalker, with 23.7% being followed by a car.

²⁰ Police Service of Northern Ireland (July 2023) [Police Recorded Crime Bulletin](#)

²¹ BBC Northern Ireland 14 June 2023 '[Claire Hanna: MP highlights 'devastating impact' of attacks on women](#)'

²² Factcheck NI (November 2019) [Does Northern Ireland have the highest femicide rate in Western Europe?](#)

Several respondents also experienced unwanted phone calls, texts and emails (47.4%); online harassment (21.1%) and unwanted gifts (7.9%). Worryingly, 10.5% of respondents also mentioned concerns over the unstable mental health of their stalkers, with references to ex partners threatening suicide also.

The most universal theme in these experiences was the reported serious long term impacts on survivors. 100% of respondents listed long term impacts on their mental health because of their experiences, from those cases where the harassment was ongoing to those where it had ended decades before. Three respondents specifically mentioned living with PTSD as a result. Some feared for their physical safety, others suffered damage to their career.

Other key themes include:

- The coexistence of in-person and digital stalking
- The prevalence of individuals experiencing stalking by more than one perpetrator
- The rise of Image Based Sexual Abuse (IBSA) also known as “revenge porn”
- The connection between perpetrators perceived “sense of entitlement” and their behaviour, and how gaps in the law enable this
- Confusion over how best to deal with the issue
- A wide variety of responses from institutions including the police, justice system, educational establishments and workplaces

When asked: Did you report any stalking incident you experienced?

- 52.63% of respondents said - Yes
- 47.37% of respondents said - No

When asked: If you reported this, who did you report it to (for example, police, employer, teacher etc.)?

Out of the respondents that did report the stalking:

- 42.1% reported it to the PSNI,
- 7.89% reported this to their friends, family or neighbours,
- 7.89% reported to their employers,
- 5.26% of respondents referenced reporting it and receiving support from Women’s Aid,
- 5.26% reported it to their GP,
- 5.26% reported it to a solicitor,
- 2.63% reported it to their university and,
- 2.63% went as far as reporting it to the perpetrators’ family.

Some of the other key themes that emerged in response to this question included:

- Reports to agencies coming quite late into the pattern of behaviour, because of a mixture of fear of disbelief, embarrassment, a hope it would “all go away”, and taking some time to realise what was happening,
- Employers putting practical supports in place at a higher rate than Universities or Schools,
- Family members being forced to provide practical help where police did not,
- Reports happening only when necessity has forced them.

WPG Research on the Scale and Prevalence of VAWG

In the 2022 WPG Research project on Violence Against Women and Girls, 1,065 women told us their experiences and perceptions of the issue, including of the response from the police. The following are some key findings:

- **91.2%** of women think that Northern Ireland has a problem with men's violence against women and girls.
- **97.2%** of women think that Northern Ireland should have a strategy to tackle men's violence against women and girls.
- **83%** of women have been impacted by men's violence against women and girls but only **21.4%** reported this to the police
- **77.4%** of women who reported men's violence to the police did not find it useful.
- **82%** of women first experienced men's violence before the age of 20.
- **89.7%** of women believe Northern Ireland has a problem with attitudes of sexism and misogyny.
- **80.8%** of women believe Northern Ireland has a problem with rape myths and rape culture
- **87.4%** of women believe Northern Ireland has a problem with victim-blaming
- **81.2%** of women believe there is stigma surrounding issues of violence against women and girls.
- **92.3%** of women think that there are barriers to reporting men's violence against women and girls.
- **95.2%** of women think that reducing levels of violence against women and girls requires focusing on changing men and boys' behaviours and actions.
- **78.6%** of women think that additional action needs to be taken in this strategy to address men's violence against marginalised groups of women.
- **86.8%** of women think that there needs to be a review of how the justice system treats victims and survivors of men's violence against women and girls.
- **83.4%** of women believe that state violence against women and girls should be included within this Strategy.

WPG Research on the State's Response to VAWG

In 2023 research, carried out by the WPG to inform our responses to this Inquiry as well as to the GREVIO Inquiry, the following were the key findings:

Experiences of violence

- 87% of women have experienced VAWG
- 80% of women disclosed their experience of VAWG to someone
- 60% of disclosures of VAWG were made to a friend or family member

Police Reporting

- Only 27% of disclosures of VAWG were to the police
- 46% of women know how to report an incident of VAWG to the police
- Only 22% of women feel comfortable reporting VAWG to the police
- 85% of women think there should be a specific mechanism for reporting VAWG to the police

Court system

- Only 9% of women think that courts in NI take VAWG seriously
- 31.5% of women who have experienced VAWG engaged with the court system
- 54.5% of women who engaged with the courts were not satisfied with the outcome Alternative forms of justice
- 77% of women think convicted offenders of VAWG should take part in a rehabilitation program
- 61% of women were unsure if mediation and other forms of alternative justice are working

Domestic Abuse

- 65% of respondents have experienced domestic abuse
- 67% of women who have experienced domestic abuse did not report it to the police or take legal action
- 63% of domestic abuse victims who reported it to the police or took legal action said that this was a negative experience

3. Response to Call for Evidence Questions

The evidence we have gathered and are familiar with corresponds with two of the questions asked in the Call for Evidence, namely

4. *How effective is (a) the police service and (b) the criminal justice system at responding to these behaviours and offences and how might those responses be improved? and*
5. *What interventions are currently in place for perpetrators with different offending histories and how effective are they for different offender pathways?*

Police Response

Throughout the WPG's research on topics relating to VAWG, the police response - and fear or suspicion of the police response - looms large. In many cases, women and girls are reluctant to report to police at all. There are a number of reasons offered for this, amounting very often to a fear of not being believed, or a concern as to the process that would be set in motion once a report was made. Also listed was shame or internalised blame, something that is not within the gift of the police to address but which is relevant to the overall system in which these crimes occur and in which the police, too, operate.

In different pieces of WPG research, the rates of reporting to police varied. Of these, the highest rate of reporting was by victims of stalking (42.1%) with 21% and 27% of the other, wider VAWG surveys, saying that they reported to police. Among those who did report, there was a high rate of people who found police responses unhelpful (77.4% of the 21% who reported to police, out of 1,065 survey respondents) and many who reported stalking found the experience frustrating, or initially unhelpful. Highlighted among these responses was the issue of a legal gap meaning even helpful officers found their “hands tied” by a lack of adequate legislation. This was particularly highlighted in the case of research on stalking before the introduction of the Protection from Stalking Act. This research also highlighted that reporting different incidents to police could result in a very different response depending on which officer they spoke to. This highlights a need for a higher standard of training and a more thorough response to training to ensure that this divergence is no longer the norm.

“The police. They did drive past my house for a couple of days. They did not speak to my ex or ask him to stop.” - Respondent to research on stalking

This reluctance to report, and dissatisfaction with the outcome of reporting, occurs against a background of distrust in the police that transcends borders but has particular historical resonance in Northern Ireland, where the police still cannot openly patrol in some communities, many crimes went unreported during the conflict and where paramilitary groups still operate widely. Where offenders are, or are believed to be, active members or connected to paramilitaries, there is greater fear in reporting because there is a perception that these bodies are almost untouchable - and the reality is that if or when a person connected with paramilitary groups is imprisoned, the organisation will continue to coercively control the victim in his absence²³. In addition, there are issues within the PSNI, as within some other police services, of officers who are themselves suspected of related crimes serving as police officers. The PSNI has publicly reported that it is investigating over 70 cases of suspected sexual abuse by serving officers, with only nine dismissed as a result of misconduct in 2022²⁴. In small places like Northern Ireland, that has a particularly powerful impact on the reputation of the police.

Another issue is the apparent confusion over the application of the Domestic Violence and Abuse Disclosure Scheme. While around 50% of those who responded said that they either were unaware of the Scheme or that their experience pre-dates its existence. Respondents reported being told that they were not eligible to receive a disclosure because the relationship had ended, despite ongoing harassing or stalking behaviours, lengthy delays before receiving disclosures, and being given information that was so vague as to be more concerning than helpful - and then given no further support. When the WPG were invited to present our research to the PSNI in July 2022, we highlighted the inconsistency and this was accepted by the PSNI who said that they intended to review how they responded to DVADS requests, we have yet to hear any outcome from this.

“No this was not useful as I was unable to get disclosure of his past records once he had moved out of the apartment, the police just kept telling me that he was a dangerous man and known to police and to be careful. I have since found out I wasn’t his first victim” - Respondent to research on stalking

²³ Evidence presented to the Northern Ireland Affairs Committee, January 2023

<https://committees.parliament.uk/oralevidence/12544/pdf/>

²⁴ BBC news 19 January 2023 [‘Nine PSNI officers sacked over sexual or domestic abuse’](#)

In September 2023, new data from a significant Home Office survey on experiences of survivors who have reported their rape to police, indicated that three-quarters of respondents thought that the police response damaged their mental health²⁵. This is indicative of a broader problem in policing that spills into the public consciousness and erodes public faith in the police and the criminal justice system as a whole. Katrin Hohl from University of London commented that ““Survivors are doing the rest of society a service if they report to police, so we urgently need to improve their experience.. We know some officers are getting it right. But it needs to be consistently right, we cannot afford for any survivor to be further damaged by their experience of the criminal justice system.” In addition to harming survivors at the point of contact, eroding their faith in the system and impacting on wider public confidence, policy makers and police should pause here to be sure that their actions are not inadvertently sending out the message that sexual offences are almost unpunishable, and justice easy to evade - a warning raised by former Victim’s Commissioner Dame Vera Baird²⁶ some time ago.

Criminal Justice System Response

Serious concerns were raised by respondents with regards to the court system in Northern Ireland. Most particularly, those who had experienced the courts part of the justice system after they had reported.

Delays, often very lengthy delays, are widely reported to be traumatising and stressful. Many respondents report having to call the police or Public Prosecution Service (PPS), feeling uninformed and forgotten by the process. Addressing delays, particularly in the case of sexual offences cases, was a major recommendation of the Gillen Review: Report on the Law and Procedures in Serious Sexual Offences in Northern Ireland²⁷, which also included recommendations as to ways to improve the discovery process so that the delays are reduced. During that process, there are concerns around the degree of disclosure required. The Commissioner for Victims of Crime Northern Ireland, has raised concerns about the disproportionate requests made for disclosure from complainants in sexual offence cases, including sometimes full medical records, educational records and therapy notes²⁸.

When cases do reach court, the perspective of victims and survivors who responded to our surveys is that there are unsatisfactory outcomes more often than not. Only 9% of women think that courts in NI take VAWG seriously. 54.5% of women who engaged with the courts were not satisfied with the outcome, and 63% of domestic abuse victims who reported it to the police or took legal action said that this was a negative experience²⁹.

²⁵ The Guardian 22nd September 2023, “Three Quarters of Rape Survivors Say Police Response Damaged their Mental Health <https://www.theguardian.com/society/2023/sep/21/three-quarters-of-survivors-say-police-response-damaged-their-mental-health>

²⁶ Victims Commissioner “The Distressing Truth is that if you are raped in Britain today, the chances of seeing justice are slim.” <https://victimscommissioner.org.uk/news/the-distressing-truth-is-that-if-you-are-raped-in-britain-today-your-chances-of-seeing-justice-are-slim/>

²⁷ Gillen Review: Report on the Law and Procedures in Serious Sexual Offences in Northern Ireland, 2019 <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf>

²⁸ Commissioner for Victims of Crime warns rape victims forced to choose between healthcare and justice, 6th February 2023, <https://www.cvocni.org/news/commissioner-victims-crime-warns-rape-victims-forced-choose-between-healthcare-and-justice>

²⁹ Women’s Policy Group NI, After Violence: Attitudes and Reporting VAWG, Key Findings briefing (2023) Available at: <https://wrda.net/wp-content/uploads/2023/09/AfterViolenceWPGPrimaryResearch.pdf>

Victim blaming language and tropes still appear to be used widely in the court, a problem identified in the Gillen Review but which persisted in Victim Support NI research into sexual offences trials that spanned the time before and after the Gillen Review was published³⁰. Action to address this seems to be difficult to enforce, as some of the Gillen recommendations on this have yet to be enacted. In the interim, openly harmful tropes are sometimes repeated from the Judge's bench³¹.

In the Gillen Review, the Judge considered a number of options with regards to improving the experience for complainants in court (this related specifically to sexual offences cases, but the principle could be extrapolated to VAWG cases generally). These included measures like giving evidence remotely, limitations on who can be present in the public gallery, and more. Most crucially though Judge Sir John Gillen urged a more active role for Judges in combating myths and harmful lines of questioning in the court room. Education for Judges cannot be mandated, but the Review did suggest an educational package for jurors, which has yet to be legislated for, but which could help to some degree.

Low rates of prosecution are a concern, also. Prosecutions for sexual offences remain consistently low as a percentage of reports, and the gap is not narrowing in the kind of way that would restore faith. There are a number of reasons for this, but if government are serious about addressing this, consideration should be given to reviewing again the legislation around consent, and moving towards a model of affirmative consent, as per Gillen Review recommendation number 155³²;

“The Sexual Offences (Northern Ireland) Order 2008 should be amended to provide: • that a failure to say or do anything when submitting to a sexual act, or to protest or offer resistance to it, does not of itself constitute consent;

- for the expansion of the list of circumstances as to when there is an absence of consent to include, for example (i) where C submits to the act because of a threat or fear of violence or other serious detriment such as intimidation or coercive conduct or psychological oppression to C or to others; (ii) where the only expression of consent or agreement to the act comes from a third party; and (iii) where C is overcome, voluntarily or not, by the effect of alcohol or drugs;*

- that where any of these circumstances exist, the complainant does not consent to any sexual act, and if the defendant was aware of these circumstances, the defendant did not reasonably believe that C was consenting;*

- this section does not limit the circumstances in which it may be established that a person did not consent to a sexual act;*

³⁰ Victim Support NI, Bearing Witness: Report of the Northern Ireland Court Observer Panel, 2018-2019. Available at: https://www.victimsupportni.com/site/wp-content/uploads/2021/02/VSNI-Report_BearingWitness_Final.pdf

³¹ Belfast Telegraph, “Judge encourages Tyrone sex offender to find wife and start a family”, 11th October 2022. Available at: <https://www.belfasttelegraph.co.uk/news/northern-ireland/judge-encourages-tyrone-sex-offender-to-find-wife-and-start-a-family/42055783.html>

³² Gillen Review recommendations, p.17 Available at: <https://niopa.qub.ac.uk/bitstream/NIOPA/10555/1/gillen-report-recommendations.pdf>

- *that the definition as to what constitutes a reasonable belief in consent should add that, in determining whether there was a reasonable belief in consent, the jury should take account of all the circumstances, including a failure to take any steps to ascertain whether C consented; and*
- *consent to a sexual act may be withdrawn at any time before the act begins, or in the case of a continuing act, while the act is taking place.”*

Recommendations for Improvement

1. Plug legislative gaps where these remain. In recent years a significant number of new pieces of legislation has been passed in Northern Ireland including adding Domestic Abuse as an offence, upskirting and downblousing, non-fatal strangulation, and the creation of a stand-alone offence of Stalking. These are significant, but a mapping exercise to identify legislative gaps, followed by action to address these gaps, if identified, would be helpful. This includes outstanding Gillen Review recommendations.

2. Improved training for front-line Police Officers. New legislation requires training and the training must be thorough enough to enable Officers to discharge their duties. Ideally, this training would be repeated regularly. This may involve more resources than are presently available, and there are questions for decision makers with regards to the prioritisation of VAWG offences.

3. Review the DVADS Scheme. In particular it is vital to ensure that police are applying this scheme in a way that is consistent and that meets the purpose of the scheme. Applied properly, this scheme can be life-saving, and a review can help it meet its potential.

4. Address delay, improve the disclosure process, and keep victims informed. A number of detailed recommendations have already been made on this issue in the judge-led Gillen Review, and more recently by the Commissioner for Victims of Crime NI, we reiterate all of those recommendations.

Interventions Currently in Place

In research carried out by the WPG, the majority of respondents were unsure what kinds of interventions are offered to offenders. There was significant support for rehabilitative programmes, with 71% of respondents believing that they should be mandatory, but uncertainty as to what these were or their effectiveness (61%).

This is particularly relevant as data suggests that in VAWG related crimes, convicted offenders rarely serve sentences that are so long that they are not released within their lifetimes. We are acutely aware that, even when convicted, offenders in domestic abuse cases and in cases of sexual violence rarely get

lengthy sentences. This in itself can be an issue; the sentences can reduce survivor willingness to report if they are seen as too weak on the problem - not least because survivors are often very afraid that their abuser will target them again, even with renewed vigour, when they are released. Sentencing structures should be revised with greater emphasis on banding.

With that said, longer sentences are not the only issue at play here; even the most heinous offences in this regard do not attract life sentences, eventually the abuser will be allowed out among society and this presents a real problem for the survivor and for any future partner the person may have.

As such, it is imperative that research be conducted into the most effective forms of rehabilitation worldwide, and that this be used as a baseline for improving and reinvigorating the process currently at use. Ideally, this would become a mandatory part of the process, with justice focused on rehabilitation rather than merely on punishment, but we are mindful that rehabilitation of offenders is often only possible when they accept their guilt and recognise the wrongs they have done. Sexual offenders are particularly unlikely to do so, but when they do, and when they seek help, there is encouraging evidence that it works to significantly reduce recidivism³³. Every possible use of these programmes should be made, both within prisons, after release, and as part of diversionary work, and they should be resourced, well-researched and regularly reviewed and updated. Separate work should be commissioned on the reasons why sexual offenders, in particular, are so often unable to accept their guilt³⁴, even after their sentence is served.

4. Conclusion

VAWG remains a problem of enormous proportions in Northern Ireland, the UK as a whole, and worldwide. Spanning from offences that are extremely serious to harms that do not meet the bar for criminal prosecution, examination of these issues, including how the State responds to them, but also the links between them, how and why those escalations are possible, and how we can break them, is vital. The WPG is grateful for the opportunity to contribute to this work with evidence from Northern Ireland.

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³³ Durham University, Rehabilitation programmes for domestic violence perpetrators can work (2015) <https://www.dur.ac.uk/news/newsitem/?itemno=23319>

³⁴ Jayson Ware and Ruth E. Mann, How should “acceptance of responsibility” be addressed in sexual offending treatment programmes? <https://www.sciencedirect.com/science/article/abs/pii/S1359178912000213>