

Women's **Policy Group NI**

WPG NI Response to Committee for Infrastructure Call for Evidence on Display of Flags and Emblems Bill

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Contact:

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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.

If you have any questions or queries about this response, or would like to discuss this evidence further with the WPG, please contact Elaine Crory, Women's Sector Lobbyist at elaine.crory@wrda.net

This response was prepared by the following WPG members:

- Elaine Crory – Women's Resource and Development Agency
- Meghan Hoyt - Women's Resource and Development Agency
- Charmain Jones - Northern Ireland Rural Women's Network

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.

2. Past Consultations Responses, Evidence Submissions and Briefings:

The WPG has published a wide range of evidence through various evidence submissions, public consultation responses and specific briefings on issues relating to flags, emblems and specifically the impact of paramilitaries on society in Northern Ireland. Responses made by the WPG, and some of our members, in relation to these issues include:

- Women's Policy Group NI response to Westminster Northern Ireland Affairs Committee Call for Evidence on the Effect of Paramilitaries on Society in Northern Ireland (2022)¹

¹ WPG NI Response to NI Affairs Committee Call for Evidence on the Impact of Paramilitaries on Society in Northern Ireland (2022). Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e750655fed282e0b949c/1>

- Women's Regional Consortium, Women Living with Debt (2022)²
- Women's Policy Group NI, Feminist Recovery Plan: One Year On (2021)³

2.1. Content from previous WPG Responses

The Women's Policy Group has conducted several pieces of primary research into the experiences of women with a range of issues relating to gender inequality and violence against women and girls. These research projects have included:

- The WPG Feminist Recovery Plan Primary Research Project,⁴
- The WPG Protection from Stalking Bill Primary Research Project⁵ and,
- The WPG Violence Against Women and Girls Primary Research Project⁶.

In total, the WPG has engaged with over 1200 women in Northern Ireland through this research.

Although we did not directly ask women about their experiences with paramilitarism in any of this research, women repeatedly raised issues relating to paramilitarism and anonymously provided us with personal stories, which we have included below.

Please refer to the full reports for information on methodologies, research methods and signposting/support for victims and survivors.

A) Protection from Stalking Bill Primary Research Content:

- Paramilitary Involvement in Stalking and VAWG:

"An abusive ex fiancé sent me letters, and also his friend, to try to ascertain if I would take him back. This was scary for me as he was emotionally, financially and sexually violent and had drugged me when we were together. He was also in the paramilitaries. A man I met in a chippy followed me home and sat outside my house in his car and kept coming back. I gave him my number in the chippy,

[729161040797/WPG-NI-Response-to-Westminster-Northern-Ireland-Affairs-Committee-Call-for-Evidence.pdf](https://www.womensregionalconsortiumni.org.uk/wp-content/uploads/2022/09/Women-Living-with-Debt-1.pdf)

² Women's Regional Consortium, Women Living with Debt (2022). Available at: <https://www.womensregionalconsortiumni.org.uk/wp-content/uploads/2022/09/Women-Living-with-Debt-1.pdf>

³ Women's Policy Group NI, Feminist Recovery Plan: One Year On (2021). Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/66fe6333c896440f0174aeba/1727947575958/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf>

⁴ Women's Policy Group (2021) WPG COVID-19 Feminist Recovery Plan Supplementary Research Report: [Putting Women's Voices at the Core](#)

⁵ Women's Policy Group (2021) Joint Evidence Submission to Justice Committee on the Protection From Stalking Bill: [WPG Joint Submission on Stalking Bill](#)

⁶ Women's Policy Group (2022) 'Just a Fact of Life: Violence Against Women and Girls in Northern Ireland' [WPG Primary Research Findings](#).

and he scared me because he said he was watching my house, and my cats. He also said he was ex PSNI and had done traces on me. The police didn't really take me seriously because I was on antidepressants at the time. One policeman, in my own home, said "ah, that explains it"! The stalker played cat and mouse with the police for months. They did find out who he really was but advised against me pursuing charges because the stalker would only get a rap on the knuckles, at best. And my health would suffer."

- Primary Research Respondent

Twenty-three years after the Good Friday / Belfast Agreement, paramilitary activity still exists. We see the public-facing side of this activity quite often, but much is hidden behind closed doors. In the 2018 report *Intimate Partner Violence in Conflict and Post-Conflict Societies*, referring to 2016 research, Professor Monica McWilliams⁷:

"The continuation of paramilitary control on women experiencing IPV remains a concern although it is two decades since the cessation of formal paramilitary hostilities. In the 2016 study, 11 of 53 participants (21%) raised the impact of paramilitarism on their lives when asked about the impact and legacy of the conflict in Northern Ireland, making it a relevant issue. The impact of paramilitarism was evident in two main respects: on the one hand, affiliation to paramilitary groups provided a source of power to perpetrators of IPV; while, on the other hand, the armed groups represented an alternative and more rapid response to IPV for victims."

She notes also that coercive control was maintained within the home by claims by the perpetrator that they were connected with paramilitary groups and while:

"many participants who raised this issue claiming these connections had been fabricated with the specific intent of controlling and threatening them. Most participants, however, had only discovered the fabrication after exiting the relationship, showing that these threats had the same impact as if they were real. The fact that perpetrators of IPV use their affiliation with armed groups to threaten and abuse their partners points towards the different sources of power that may be open to perpetrators of IPV in conflict and post-conflict contexts."

There is little reason to believe that this is not still an ongoing reality, particularly as many paramilitary groups seem to be increasing their activity and recruitment in light of heightened tensions. In addition, paramilitary involvement by the perpetrator - or the suggestion thereof - may make reporting to the PSNI difficult or impossible. It may also mean that surveillance of victims can continue even if a perpetrator is imprisoned, as their affiliations may mean that the victim will still be monitored and controlled.

Indeed, many women's centres across NI deal with the fall out of this, by providing care packs to women they know who are trapped or stalked by violent men who also happen to be 'well-connected', but they must do so quietly to avoid raising suspicions and inviting repercussions. There is an urgent need to address ongoing paramilitarism in Northern Ireland for a number of reasons, there has always had a strong correlation with coercive and controlling family violence and their effect on public safety is demonstrably corrosive, this is a part of their influence that needs particular attention.

B) Men's Violence Against Women and Girls Call for Views Primary Research Responses:

We received the following responses to the question 'Do you think there are any forms of violence against women and girls that we have not mentioned that should be included in the strategy?'

*"Revenge porn, involvement in organised crime eg prostitution, trafficking into domestic labour, **paramilitary or gang violence or threats of to women** - the gender specific nature of that eg threat of sexual violence, degradation or coerced sexual activity with male gang members to "initiate" into groups."*

*"**Paramilitary**, educational."*

*"**Sectarian abuse.**"*

*"Self- worth, home life, misplaced loyalty, **'the troubles'** institutionalised behaviour."*

We received the following responses to the question 'Would you like to share any details about how you've been impacted by violence against women and girls and what age you were when this first happened?'

"...Friend was held at knife point for two days by a group of three men who brutalised her body, tortured her with cigarette burns and

hundreds of knife cuts and repeatedly raped her because she was lesbian. **The men were paramilitary and lived on her street.** She never reported it because the police and paramilitaries were on the same side. Her family left Belfast."

"Raped between ages 4-8, again aged 16, 25, 35. All of my relationships have been abusive, emotionally, physically, financially with coercive behaviour. **My ex got his uvf paramilitary friends to burn me out of my Belfast home with our 2 babies** in 2018, I had to flee to start over in Derry. The court process indulged his abuse, put the babies at risk, allowed him access to our children as a violent drug addict. He has no contact now, we are safe, but he refuses to pay maintenance despite working cash in hand."

We received the following responses to the question 'What do you think are the root causes of sexism, misogyny, victim-blaming, rape myths and rape culture?'

"Religion and **sectarianism**, outdated views represented in government."

"Toxic masculinity is embedded into our society, **deriving from historical roots, whether it's religious institutions and paramilitary activity.** Households can perpetuate gender norms and stereotypes through child rearing and everyday casual sexism. There isn't enough being done to change these aspects of our society through education."

"The underreported rapes, the Belfast Rugby rape trial and the victim making of it. Police not believing victims. **Sectarian groups controlling areas and the sexist hierarchy they maintain.**"

"The patriarchal, religious structure of the NI culture which is propped up by our history of violence and the political manipulation of deep seated fears of men involved with the troubles and the legacy of the troubles. This is further compounded by lad culture and toxic masculinity, where being a 'hard man' is revered and seen as a leadership trait in communities **where community development is anchored in workers who are (ex?) combatants as role models.** I also do not think there is a political option for equality based thinking outside the traditional split which means **the issues women work to address are downgraded in terms of importance as politicians manipulate the legacy of the troubles to stay in power.**"

"Toxic masculinity especially that which is caused by the legacy of the troubles. Lack of proper integrated sex education in schools especially Catholic schools. General attitudes towards women and girls in terms of their place in society and what they can and cannot achieve/what they are good for. We have a real issue with "bro culture" with our young men and boys believing violence against women is funny or something that women ask for especially by dressing or acting in a certain way."

We received the following responses to the question 'What do you think the barriers are to victims in reporting?'

"Paramilitaries, threat from family members bringing shame on the family name."

"In Northern Ireland there are too many people connected to or pretend to be connected to or involved with paramilitaries. Also being threatened by their abuser. And loving the abuser. There's no financial support at all if the victim works. Even on a low income. I have seen that with my former colleague and also my friend when she and her dog got beaten up by her ex-partner."

"Lack of evidence to convict if it is one person's word against the other. Paramilitaries looking after their own no matter what they have done."

"Police either don't believe you or drag you over the coals for it. Fear of sectarian retaliation if seen going to police."

We received the following response to the question 'What sort of measures do you think are necessary to change men and boy's actions?'

"Peace education from Primary school up. The militarization/paramilitarisation of our society stunts boy's emotional growth and promotes harmful ideas of what it means to be a man. Consent education. Getting them to understand what sexism looks/feels like."

We received the following responses to the question 'Could you please expand on what additional factors need to be considered or what additional action needs to be taken to support these women?'

*"Women who are disabled are more vulnerable to many types of abuse particularly financial abuse and coercive control. Rural women are at increased risk of physical violence, easy to cover up signs of domestic abuse when you live on a farm. I know a woman whose husband tried to crush her with a round bale wrapper, she thought to herself that if he succeeded he would be able to claim it was a farm accident. **Loyalist women are less likely to report due to lack of trust in the police and a reluctance to be seen to be bringing the police into the area, paramilitarisation and the pressure that it will be used to make the community look bad, play into the 'thug' narrative.**"*

*"Cultural norms can vary in different groups, meaning certain women are more at risk. **Loyalist macho culture** should also be listed here."*

We received the following responses to the question 'What sort of changes would you like to see within the justice system in relation to men's violence against women and girls?'

*"Review of rape allegations and trails. Greater recognition that some women offenders are or have been exploited. I think there's a particular need for work around **paramilitary-style groups** and VAW [violence against women]."*

We received the following responses to the question 'Is there anything else that you would like to share that you think the WPG should be calling for within the Violence Against Women and Girls Strategy?'

*"A focus on Primary Prevention, through Education in all schools. Emotional literacy, rights and responsibilities, relationship education, power, consent, social media, sexual harassment. All children need to be educated and empowered to choose different paths than those modelled in our society. **Violence towards women and girls is a cornerstone of oppression and all forms of violence in Northern Ireland.** Challenging it and changing it will support anti-sectarianism."*

*"Also need to look at the **linkages with the troubles** - talk to victims and survivors - I would expect a large proportion of women and girls already impacted by the troubles have also been impacted by violence - other strategies need to link in."*

3. General Comments on the Call for Evidence on the Display of Flags and Emblems Bill

The WPG's position is that the influence of paramilitaries in Northern Ireland has a direct impact on the progress, or indeed the lack of progress, on Gender Equality in Northern Ireland. The evidence presented above is an outline of the evidence we have gathered in regards to paramilitary influence in Northern Ireland and it is likely only a small snapshot; it is important to note that the research that generated these responses was not research specifically about paramilitarism.

While this Bill has implications beyond the influence of paramilitaries, it certainly will influence the visible influence of paramilitaries in Northern Ireland and proposes to introduce a regulatory mechanism for the first time - as such, and because the need to break the influence of these groups is vitally important - we support the intention of the proposed Bill, although we have serious concerns about how enforceable it will be in practice.

4. Response to Consultation Questions

1. Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.

2. What is your name?

Elaine Crory, Women's Policy Group NI

3. What is your email address?

elaine.crory@wrda.net

4. If you are providing a submission on behalf of an organisation or business, please state its name.

Women's Policy Group NI, % Women's Resource & Development Agency

5. The Committee for Infrastructure has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results. I would like my views to be anonymous and understand that my name and organisation details will be withheld, along with any identifiers in the response, but my views will still be published.

6. Do you agree with Clause 1 of the Bill?

Unsure

7. Please provide information to support your answer here

While WRDA supports the intent of this clause and particularly the curtailment of flags and emblems that directly reference proscribed organisations, it is not immediately clear how the legislation and particularly how its enforcement could discern between emblems in terms of the harm that they can cause and their inference. The above evidence provided illustrates the depth of feeling of our members about the harmful influence of paramilitaries in our society.

Part 5 of Clause 1 makes it clear that - aside from the flags and emblems that are unequivocally associated with a proscribed organisation - the key issue at stake is one of perception, and the difficulty is that emblems are complex and varied, they change over time, and they can be hyper-local, leading to a reality where perception may be that an emblem is genuinely threatening or offensive, but this may not be something that is widely agreed or quantifiable. A further complication is that emblems not obviously connected with the conflict can act and be used as proxies that are widely understood but difficult to quantify, for example the flags of Israel and Palestine. The fact that perception is such a key part of this legislation means that it also runs the risk of being weaponised by those who wish to curtail others' actions or legitimate expression in order to themselves control the public space.

Therefore, in order for the legislation to be a success and for enforcing it and policing emblems to be feasible, it will be necessary for the Department to outline how such emblems will be assessed and how the legislation will be enforced.

8. Do you agree with Clause 2 of the Bill?

Yes with caveats

9. Please provide information to support your answer here

While we support this clause and in particular the intention to remove flags and emblems from shared space and especially sensitive spaces, there are practical difficulties with part 3 of the clause, specifically it is not clear how best to police this given the way that, in practice, arterial routes and spaces like shopping centres and parks are often sites that are most replete with flags and emblems, and they are very often replaced almost as soon as they are removed, if they are removed at all, as has been evident with an offensive banner erected at a children's playpark in the mid-Ulster area, which is replaced every time the PSNI act to remove it.

This is not to suggest that we should not legislate for this, but there are obvious issues with enforcement that the Department does need to consider, and it would be very helpful to outline the methods that might be used to police this practice.

10. Do you agree with Clause 3 of the Bill?

Unsure

11. Please provide information to support your answer here

While we agree that this would be a really helpful approach to policing flags and emblems, the biggest issue is that we are beginning this work in a really difficult space; there are already decades of established practice in the public display of these emblems, often by those who will resist attempts to change that practice. As such, it will be difficult to establish a new mechanism to notify the department that they wish or intend to fly a flag or display an emblem.

Certainly, it is appropriate and helpful to have such a portal for members of the public who wish to raise concerns, but the former issue is a crucial one to resolve because of its direct impact on the enforcement of every other part of the Bill. Without very robust enforcement, there will be nothing obviously stopping an individual or group from violating this law, should it be passed, then placing the onus on individuals to report issues and then on statutory agencies to enforce the law, often repeatedly, at the cost of resources that are often not available.

12. Do you agree with Clause 4 of the Bill?

Yes with caveats.

13. Please provide information to support your answer here

We support this Clause of the Bill but we have concerns about the 5 year review period. As outlined above in response to question 11, one of the issues at hand is the established way of doing things has been not to engage with any formal process. Should one be introduced, and recognising the difficulties with policing the implementation of any new legislation, it will be critically important to institute reviews of its effectiveness on a more frequent basis. We suggest every 2-3 years is appropriate.

14. Do you agree with Clause 5 of the Bill?

Yes with caveats

15. Please provide information to support your answer here

While we certainly support the intent of this clause, we are also aware that the reality of the role of paramilitaries who hang a not insignificant number of the flags and emblems in Northern Ireland, and as a result we are concerned about the documented reality that these groups often exploit children and young people⁸ as well as other vulnerable individuals for these purposes. This means that, too often, the person arrested and charged will not be the individual responsible for displaying the emblem or flag in question. As such this provides no real disincentive to those who are really at the root of the problem.

This is not to suggest that obstruction should not be charged or addressed by the criminal justice system, but rather that more measures need to be considered in order for this legislation to function as a genuine deterrent.

16. Do you agree with Clause 6 of the Bill?

Yes with caveats

17. Please provide information to support your answer here

While we recognise the necessity of this clause and believe that it is appropriate for the enforcement of the legislation, we are concerned that this will place significant pressures on the PSNI which they will struggle to meet, given their widely-shared concerns that they are under-resourced for their current duties.

18. Do you agree with Clause 7 of the Bill?

Yes

19. Please provide information to support your answer here

This is a technical formality to which we have no objections.

20. Do you agree with Clause 8 of the Bill?

Yes

21. Please provide information to support your answer here

We have no concerns about the commencement date for this Bill

22. Do you agree with Clause 9 of the Bill?

Yes

⁸ NICCY, Advice to Government on Safeguarding Children and Young People from Abuse and Exploitation from Criminal Gangs Available at: <https://www.niccy.org/publications/advice-to-government-child-criminal-exploitation-safeguarding-children-and-young-people-from-abuse-and-exploitation/>

23. Please provide information to support your answer here

We have no concerns about the short title for this Bill.

5. Additional Comments

To conclude, while we are supportive of the intention of this Bill and understand entirely the intention to regulate the display of flags and emblems, there is a need to make the legislation more practically enforceable so that it can achieve what it sets out to achieve.

ENDS

For any questions or queries relating to this submission, please contact:

- Elaine Crory, Women's Sector Lobbyist at WRDA: elaine.crory@wrda.net or
- Meghan Hoyt, Women's Sector Lobbyist Policy Assistant at WRDA: meghan.hoyt@wrda.net