

Written Ministerial Statement

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Department of Justice

COMMENCEMENT OF PROVISIONS IN THE DOMESTIC ABUSE AND CIVIL PROCEEDINGS ACT (NORTHERN IRELAND) 2021 – NEW DOMESTIC ABUSE OFFENCE

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Mrs Long (The Minister of Justice): As Justice Minister, public safety and protecting people from violent and abusive behaviours are key priorities for me. During the two short years of this mandate, I wanted to make a real difference for all of those in our society who are affected by any form of domestic abuse. This now becomes a reality.

The new domestic abuse offence marks a milestone, and a real step change, for all those affected by domestic abuse and who may be suffering in silence. My clear message is that domestic abuse is wrong and will not be tolerated.

Anyone can be a victim of domestic abuse, just as anyone can be an abuser. No longer will abusers - be they a partner, former partner, someone they are or have been personally connected to, or a close family member - be able to evade justice.

The changes brought forward will help many people, regardless of gender, sexual orientation, age, class, race, religion or disability, right across Northern Ireland, who are experiencing domestic abuse and fear in their own home.

The introduction of the new domestic abuse offence is one of three pieces of legislation that I will have in place by the end of this mandate. Shortly, we also have the final stages of the Protection from Stalking Bill and the Justice (Sexual Offences and Trafficking Victims) Bill. Together, these offer greater protections across our society to those that are subject to both violent and non-physical abusive behaviours.

Provisions of the new domestic abuse offence

The new domestic offence will cover behaviour that is controlling or coercive or that amounts to psychological, emotional or financial abuse of another person. Abusive behaviour may also include sexual abuse and technological or digital abuse. It will capture patterns of abusive behaviour, where there are two or more occasions of physical and/or psychological abuse by a partner, ex-partner or close family member and will include behaviour that is physically violent, threatening or intimidating. Domestic abuse will also be recognised in other offences, with the potential for increased sentencing up to the maximum available. This will apply where there is a single incident, that is where there isn't a pattern of abusive behaviour.

The new domestic abuse offence, together with the ability for sentencing to be enhanced where children are involved or for the sentencing for any other offence to be enhanced where there is domestic abuse, will ensure that there can be no escape from the law for individuals who seek to abuse and terrorise those closest to them.

Given the range of behaviours that domestic abuse often involves and the serious and long lasting harm that it can have, the maximum penalty is up to 12 months' imprisonment in the Magistrates' Court and up to 14 years in the Crown Court.

Impact of domestic abuse on children

A range of measures are being introduced that are particularly focused on children, including extending the scope of the current child cruelty offence to include non-physical abusive behaviour.

The domestic abuse offence can also be aggravated where the victim is under 18 or where a child is involved. This would apply if at any time in the commission of the offence, the accused directed, or threatened to direct, behaviour at a child or made use of them in directing abusive behaviour. It also applies where the child saw, heard or was present during an incident of abuse. The aggravator will also apply if a reasonable person would consider the abusive behaviour likely to adversely affect the child.

Protection for victims

The changes being introduced provide more and stronger protections for victims. The legislation offers greater protection to victims of domestic abuse, through prohibiting cross examination in person, as well as automatic eligibility for consideration of special measures at court. Those provisions will give greater protection to victims in criminal court proceedings.

We are also introducing protections for victims of domestic abuse who need legal representation in family law cases in the courts. This will deliver wider access to legal representation, delivering support in a way that will help prevent the courts being misused to perpetuate abuse.

This will play a crucial part in giving victims the courage that they need. To know that they have nothing to be ashamed of, that they will be listened to and that they will be believed. I want to encourage all those affected to talk about what is happening to them, reach out for help and report abusive behaviour to the police.

Training and awareness raising

While the legislation that has been commenced is hugely significant, how we operationalise this is equally important. The effectiveness and success of the new offence will be dependent on this, the training that is available and awareness of the new measures. Legislation on its own is not necessarily enough.

I am grateful to our justice partners who have brought forward a range of training to ensure that we deliver meaningful change for victims. The police have made significant progress in training staff, with their first module on Understanding Coercive Control module completed by 5,000 staff including the Chief Constable. 2,500 investigators have been trained to date.

Domestic Abuse Champion sessions have also been undertaken with approximately 250 officers undertaking a training and awareness session with a Domestic Abuse Policy lead / Policy Detective Sergeant, highlighting key areas of the new legislation.

The Public Prosecution Service has a three-year training programme comprising a series of modules on understanding domestic abuse, recognising coercive and controlling behaviour and evidence-led prosecutions. 142 front line staff have completed the first two modules. 93 prosecutors attended an all-day session building on their knowledge of domestic abuse. 35 specialist prosecutors have completed all five modules. All legal staff and Victim and Witness Care Unit staff have been required to complete these modules. A judicial training event has also been undertaken.

An online training package, developed by a number of voluntary sector partners (Carafriend, HERe NI, Men's Advisory Project, NSPCC and Women's Aid Federation), has been made available to frontline professionals who may come into contact with a victim, or abuser, during the course of their duties. The package comprises four modules on Domestic Abuse, the Legislative Framework, Impact and Pathways to Support. This has been made available across all Executive Departments, as well as a broader range of public sector staff, including frontline education professionals, Health and Social Care and Probation Board NI, the Bar Council, Law Society, judiciary and the NI Assembly amongst others.

A digital awareness tool "DAART NI" (Domestic Abuse Awareness Raising Tool NI), is also being launched and is freely available to professions and anyone else with an interest in this area. It provides an introduction to the new offence as well as general information and awareness of domestic abuse.

A multimedia public advertising campaign will run for the next four weeks to raise awareness of what constitutes domestic abuse and behaviours that are captured by the new offence. Through this I want to encourage the public to recognise that, while domestic abuse may be committed behind closed doors, it is not a private matter. We need not only victims of abuse, but those who are aware of abuse or suspect that it is taking place, to recognise the signs and feel confident in reporting their concerns.

Partnership working

With the introduction of the new offence I want to thank all of those who have been involved in reaching this point. This includes those who shared their own personal lived experience; our voluntary and community sector partners in providing invaluable advice and expertise; our criminal justice partners; and the Justice Committee for their stewardship and scrutiny of the legislation.

As the mantle for tackling domestic abuse moves into a new operational sphere I also want to pay tribute to the extensive work and training that has been undertaken by partners in the Police Service for Northern Ireland, the Public Prosecution Service, the Northern Ireland Courts and Tribunal Service, as well as across the wider criminal justice system, who will be at the front line of putting our new law into practice. I also want to thank our voluntary sector partners for their critical role in developing our eLearning package.

The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 can be found at [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#). Statutory guidance on the new offence is also available online – [Abusive Behaviour in an intimate or family relationship – Domestic Abuse Offence - Statutory Guidance](#)

Information on domestic abuse, the new offence and the advertising materials associated with this can be found at www.nidirect.gov.uk/still-abuse.

The Domestic Abuse Awareness Raising Tool (DAART NI) is accessible at www.daart-ni.co.uk



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