

Individual 14

Submission 1

Hi,

I was the victim of domestic abuse by my ex husband over a [REDACTED] year period culminating in a violent incident in [REDACTED].

During this incident my estranged husband had taken my bank cards and car keys and the front door key and went out drinking with a friend. It left my [REDACTED] children and I trapped in the house panicking about what he would do when he came home and unable to leave the home. We lived in [REDACTED] at the time and nearest family we're at least [REDACTED] miles away. When he returned home he dragged me by my hair in front of my into our bedroom we're he attempted to strangle me while telling me he was going to kill me. He tries to push me down the stairs which my [REDACTED] also witnessed and later set fire to our home after smashing almost everything down stairs. This was the first night in ten years he had ever laid his hands on me. Prior to this he did need to physical hurt me to control me, his rages, staging things and punching things and mental financial abuse were enough.

He was charged with common assault. There should be a stand alone offence of non fatal strangulation as this has been noted as one of the highest risk behaviours indicating risk for domestic homicide.

Criminal charges were filed and we waited 8 mths for a trial date. During this time my ex was on bail conditions and I had obtained a non molestation order.

He continued to stalk my social media pages by creating fake accounts on multiple platforms, he was seen outside my place of work, parked near my children's clubs and activities, near my parents address, on numerous occasions, he sent unsolicited messages to my parents siblings and friends because the non mol prevented him from contacting me directly and after being arrested numerous time's for this he eventually changed tactic. But the police said these were non threatening and they couldn't act on them or they were not directed at me so they couldn't act on them. If we had specific stalking and harrassment laws built in to the DA bill this could have been dealt with entirely differently. Also if the police had better training on the methods used by perpetrators and the impact these type of behaviour have on victims keeping them constantly afraid, low level clever tactics using family and friends to annoy the victim knowing they'll be told what's happening. The definition of stalking and harrassment doesn't say anywhere it's only considered this is it threatening violence or harm. These attitudes by police are dangerous to victims.

My estranged husband eventually took me family court the month after the criminal case finished and he was given suspended sentence and probation for the crimes against me. He'd not seen his children as social services hadn't permitted him as her continued to breach orders and could not show her any understanding or the impact on me or the children. During this process family court and criminal court are completely separated to each other. There needs to be more co operation and sharing of information between criminal and family court to help protect children.

At this time he was also able to cross examine me in family court himself as he sacked his barrister and choose to represent himself.

So by this stage he has a restraining order granted by the court. He wasn't allowed to contact me and he was also excluded from being within 50 meters of me but he was allowed to cross examine me in family court. This is a ferrying experience and one I will never forget. By this stage it had been almost 18 mths since the incident he was arrested for. I'd endured many terrifying court appearances, meetings with solicitors, police, social workers, doctors, counsellors, barristers, being a witness in criminal court, breakdown of my marriage, losing my car and home, financial abuse with him refusing to pay child maintenance or to Offer financial support to our matrimonial home and then refusing to consent to sale of the home I was left struggling to pay. This was a constant onslaught and felt at times like a full time job trying to just deal with the aftermath and the constant cycle of dealings with him.

The bill must have the provision for abusers never being allowed to cross examine their victims in family court.

We also need a register for repeat DA offenders. While on probation and still tormenting me he met a girl on a dating app. He was on probation and seeing probation weekly and attending a court appointed perpetrators course at the time and he attacked this woman in the street while she was pregnant with his baby. Threatened to kill her and kick the baby out of her. He'd already hit her and been reported to police before this. Their relationship was [REDACTED] in total. He was now a record or over 25 offences. A register of serial perpetrators would help stop another woman from suffering at this mans hands and possibly next time being killed.

Eventually he given a 10 month sentence for what he did to me sentences were allowed to run concurrently so he served less than 4 months. Despite having repeatedly breached non molestation orders bail conditions and probation agreements. There needs to be much better sharing of information between police probation courts.

He was again given another 10 months for what he did to his next victim. These sentences don't represent the level of trauma and pain he cause his victims but sadly we're the lucky ones who managed to even secure convictions and see perpetrators given custodial sentences.

When my ex got out of jail he again started creating fake accounts that the police dismissed saying they couldn't prove it was him and the messages he was sending where non threatening. He targeted my [REDACTED] mum. Knowing she was the closet person to me and she'd tell me what he was saying and by harrassing her he'd hurt me but also nothing could happen to him as he wasn't directly annoying me. He set up a fake profile messaged my mum from it and the account was him chronicling our relationship in chapters from when we met. This was frightening as showed a level of obsession and that he wasn't moving on but again police didn't act as they don't see it as important. Jane monckton smith has created a domestic violence homicide timeline which would show the police need to take all of these incidents holistically and not incident by incident.

Statutory funding for domestic abuse services for victims needs to be included in the bill so these services aren't operating financial year to financial year and worrying about charitable donations. These services need the proper recognition and support for the work they do. They were invaluable to me being able to leave, live and rebuild my life.

■■■■ years I'll have been separated this year and my journey with my perpetrator is still not over. The belief abuse ends when the marriage does is wrong.

I've included information below from paladin on the register for serial stalking and domestic perpetrators.

Currently there is no existing framework which can track or monitor serial stalkers and domestic violence perpetrators. Instead police rely on a series of victims to report multiple crimes and often it is the victims who are forced to modify and change their behaviour, flee their homes and disappear themselves in order to stay safe. This is the reason why refuges are in demand and victims continue to be moved around the country. MARACs also tend to focus on the victim too rather than the perpetrator. We track victims when they move but not the problem – the perpetrator.

This needs to change. It is the perpetrator's behaviour that is the problem. There needs to be a positive obligation on them to change their behaviour and take responsibility. They are the ones who need to be tracked, supervised and managed and not the victim.

Sign our Change.org petition [here](#).

Specifically, Paladin are making the following recommendations:

Recommendation 1: The Government consider making DVPO/Ns a criminal breach to ensure effective sanctions.

Recommendation 2: Consideration to amend PACE to ensure police can keep the perpetrator in custody long enough to serve the DVPO on them there, rather than releasing them at a time of increased risk.

Recommendation 3: The Government consider creating a register for serial stalkers and domestic violence perpetrators and incorporating it into the existing framework for sex offenders.

Recommendation 4: The Government consider creating a new Serial Perpetrator Order (SPO) for serial stalkers and domestic violence offenders.

Recommendation 5: The Government consider creating a new Risk of Harm Order for serial stalkers and domestic violence offenders.

Recommendation 6: Ensure orders stand across European boundaries so that offending histories, behaviour and restrictions are also shared across borders.

Submission 2

I absolutely believe in better sentencing for domestic abuse crimes in general but yes children are the forgotten victims. They don't just witness abuse or hear abuse they live abuse and experience abuse the same feelings as the victim the fear and terror but their experience isn't part of the criminal process bar a small mention.

My children had experienced my husbands abuse of me without me fully comprehending it myself. On one occasion he took them to a bae to tell them mummy and daddy were separating cause mummy didn't life him anymore they were [REDACTED]. They came home crying and upset. He's done it to frighten me. They'd seen him kick things slam doors being ignored for days while he was giving me the silent treatment they were included. On the last night we finally separated when my ex husband was arrested. My children still [REDACTED] by this time witnessed me being screamed at witnessed him taking all my bank cards and car keys and being locked in the home while he went out. They later witnessed him dragging me by the hair out of their bedroom where I had settled my youngest on their shared bedroom when he's forced me to get her out of our bed. While they screamed like wild animals in their beds he tried to strangle me and they heard him telling me I was going to die. From their beds where they stayed screaming this whole time they witnessed him pushing me downstairs while I tired to cling on to the banister. He through me out on the street and they were left alone upstairs while he smashed most of the downstairs apart. They were left alone in the house while he left in the car having threatened to kill himself to my neighbours who's taken me in. My neighbour lifted them from their beds and brought them to me He set fire to our home and while I was calling for help my [REDACTED] saw our home on fire. [REDACTED] then heard sirens and saw flashing lights through the neighbours upstairs window.

My eldest [REDACTED] suffered severe anxiety in the aftermath.

[REDACTED] worked with women's aid and had play therapy funded through victim support but later needed additional support with more counselling for panic attacks and flashbacks.

[REDACTED] experiences dreams of fires and had an intense fear or fire 🔥 asking everywhere she went where the fire exits where. [REDACTED] doesn't remember the fire that night but draws pictures of dreams showing [REDACTED] watching our house on fire from a neighbours but [REDACTED] claims this isn't a memory just a bad dream [REDACTED]

It took hours to settle [REDACTED] to sleep because [REDACTED] was afraid to go to sleep. [REDACTED] would hyperventilate and be very afraid. [REDACTED] was afraid of [REDACTED] daddy coming back and hurting us and didn't like to be away from me. In school [REDACTED] could be very quiet and tearful and would tell teachers [REDACTED] had a sore tummy and be sent home. Over time we realised this was [REDACTED] anxiety and [REDACTED] needed reassurance and to feel safe. [REDACTED] had panic attack in school too.

[REDACTED] have never forgotten what happened that night and will randomly bring it up they talk of the night daddy did the naughty thing. They both have been left with lasting effects of his abuse.

I was described in court as my husband's victim but my children were there too. There fear and trauma was greater than mine because they didn't even have the same life skills or mental ability to process and understand it.

Submission 3

Hi as a victim of domestic abuse for [REDACTED] years and experience of non fatal strangulation, having used women's aid services and been through both the criminal and family court process these amendments are vitally important to the success of the DA Bill

The Bill must go further in three key areas:

1. It must provide resources, beginning with money and housing, so women (and children) can escape violent partners. This includes implementation of Section 17 of the 1989 Children Act.
2. It must protect mothers and children from violent fathers using the family court to continue their reign of terror and escape prosecution. The Bill aims to restrict cross examination by abusers. It must also end the legal presumption that both parents should have equal contact with a child. And it must end the use of "parental alienation" to dismiss allegations of sexual and other violence and to force children into contact with fathers they are terrified of.
3. The Bill should not be gender neutral. Most perpetrators are men and most victims are women and children.

Women are primary carers in 90% of households. Domestic violence is widespread and often deadly. During the COVID-19 lockdown, domestic murders of women in the UK doubled[1] and calls to the Met police from victims rose by one third.[2] This has exposed the lies of domestic violence deniers. Overwhelmingly, the victims are women and the perpetrators are men, particularly in more serious physical attacks. Yet the Bill is gender neutral. This is a travesty that plays into the hands of organisations of men who deny domestic violence or accuse women of it in order to hide the truth and call the victims liars. It must be reversed.

As part of the Support Not Separation Coalition, which defends mothers and children facing the family court, we are particularly concerned with the way violent men are using the court to continue their reign of terror and to escape prosecution. Between 70-90% of family court cases involve domestic violence, yet only 1% of fathers are denied access to children—a strong indication of how biased the courts are in favour of men.

The reality we deal with every day is that mothers who report violence are being routinely disbelieved, especially if the allegations are also sexual. They face having their children taken away by the state and even given to the violent/rapist father, further traumatising the children by separating them from the mother they depend on for protection. The horror of this situation cannot be overemphasised. The Bill's section on the family court is much too narrow and if left as is will do little to right this injustice.

We propose the following amendments:

1. INSERT INTO PART 4 Local Authority Support the following new clause:
Prioritise implementation of Section 17 of the Children Act 1989 so that resources are made available to mothers and children facing domestic violence, in particular access to benefits and housing.

RATIONALE: Section 17 provides for local authorities to put resources and help into keeping children within their family. But it is not being implemented. Money is instead being used to take children into care, contradicting the aim of the law. The COVID-19 pandemic worsens the unprecedented poverty and destitution caused by a decade of austerity policies, which have targeted single mother families in particular and disproportionately affected those of us who are of colour, immigrant and/or have a disability. Section 17 is needed more than ever. It could make a huge difference to abuse victims.

Before the pandemic, over 4 million children were living in poverty *** Single mothers were 75% of those affected by Universal Credit *** 86% of austerity cuts have been borne by women *** Women

of colour earn up to 32% less than the wages of white men *** In 2018-19, 63% of referrals to refuges were declined *** Single mothers, women of colour and/or immigrant, and women with disabilities are disproportionately having their children taken from them—more likely to be impoverished and face sexism, racism and every discrimination *** Over 20% of children in care are from BME backgrounds.

2. INSERT INTO PART 5: Protection for Victims and Witnesses in Court.

Remove Section 11 (2A) of the Children and Families Act 2014 which presumes that it is always in a child's best interest to have contact with both parents. And stop the use of "parental alienation" against women who report sexual and other violence, including of their children.

RATIONALE: The presumption of contact is continually used to over-ride any history of rape and/or domestic violence by fathers. For the welfare of children to be paramount, their safety and the safety of the mother, who is usually the primary carer, must be prioritised over fathers' contact. Fathers who are violent to their children, to mothers, to former or present partners should not have contact with children. Thousands of children are being harmed physically and psychologically by being coerced to see fathers they are terrified of. It is horrifying that mothers trying to protect their children by reporting the violence and refusing to force their children into contact with their abuser, are then having their children taken away by the state and often given to their abuser. The law is supposed to protect children not rapists.

Family courts must take seriously children's allegations of sexual abuse by fathers, and of domestic violence against mothers. Yet children and mothers are frequently disbelieved or dismissed even when the incidents have been reported to the police or others in authority. Mothers are accused of making such allegations in order to "alienate" the child from the father.

"Parental alienation" is the discredited theory of Dr Richard A Gardner, a US misogynist psychiatrist who dismissed domestic violence and defended paedophilia. For years the fathers' lobby, mostly men who deny domestic violence, have succeeded in getting "parental alienation" recognised by the family courts. CAFCASS, which was created to protect children going through the court process, has been instrumental in this, siding with fathers and promoting "parental alienation" as a reason to recommend that children are taken from their mothers.

The World Health Organisation recently declassified "parental alienation" from its list of "disorders", and many experts have dismissed it as pseudo-science.[3] Yet family court professionals continue to give it credibility. This must stop.

Mothers face an impossible catch 22. If we report domestic violence or child abuse, or if we don't, we can be blamed for harming our children by having (had) a violent partner, even though we are victims. Our children are taken from us, put in care or even housed with the violent father.

3. The Bill must not be gender neutral.

Overall, money and housing from central government are the most important things women need to protect us from domestic abuse. More housing rights should go into Section 8 under secure tenancies. If women have nowhere safe and affordable to go we are trapped with violent men. We welcome the recent successful legal challenge to the No Recourse to Public Funds rule, which makes immigrant women particularly vulnerable to violent and exploitative men. Women seeking asylum are also vulnerable to rape – over 70% have fled rape and other torture, and several have reported to us being raped in the UK by men who know they cannot call the police for fear of being deported.

The Bill does not address the continuing problems with criminal justice agencies not prioritising domestic violence. We have been protesting for decades at the biased and negligent way in which

reports are investigated and the lack of protection offered to victims. There are always plenty of resources to combat “terrorism” and recently for breaches of the Covid-19 measures with more “stop-and-search”, but the daily terrorism against women and children which costs many lives is never prioritised. The Bill will not change this unless the changes we are recommending are put in place and implemented.