

**Committee for Justice, Domestic Abuse and Family Proceedings Bill
Record of Issues Raised by Individuals at Informal Meetings
Informal Meeting 18 September 2020 – Individual D**

Present: Paul Givan MLA, Chairman
Jemma Dolan MLA

In attendance: Kathy O'Hanlon, Senior Assistant Clerk
Allison Mealey, Clerical Officer

The Chairman, Mr Paul Givan MLA, and Ms Jemma Dolan MLA met with Individual D via video call to discuss her experience of domestic abuse and the response by justice bodies/agencies and others.

Personal experience of domestic abuse

Individual D explained that she began a relationship with her ex-partner 14 years ago. Individual D fell pregnant and this is when her ex became abusive. Individual D said this was coercive behaviour and emotional abuse which eventually turned into physical abuse, the first incidence of which occurred when her child was thirteen months old. Individual D detailed how her ex held her child whilst he punched Individual D repeatedly; this was witnessed by another young child. Individual D said that, looking back now, she recognises that her ex-partner had in fact been abusing her in other ways before the physical abuse began but she did not realise that at the time.

Individual D stated that, at that time, it was regarded by the police as one person's word against the other so she did not pursue it any further, despite there being physical marks on her from the attack. Individual D said that she did leave her ex after this incident but subsequently returned to the relationship which continued on and off for approximately seven more years.

Individual D detailed how her ex is now coercively controlling the children. She explained that her ex had not seen the children for quite a while due to issues with drugs. When contact was reinstated, Individual D's daughter returned from the second time seeing her father to say she he had told her that she could live wherever she wanted so she was going to live with him. Even though it was only daytime contact, when they went back to court, the legal system and social services would not enact anything to prevent this and eventually it became a case of 'she's been there long enough, she can stay there.' Individual D believes that her daughter is now suffering what she suffered but it is also not being recognised. Her ex controls her daughter's phone, which friends and family she is allowed to speak to and has denied the child contact with Individual D. Her daughter tells the authorities that she does not want contact with her mother, but when there is an issue she will reach out to her mother. He restricts her phone usage, preventing full use of her phone and messaging apps she would normally use. She is only allowed normal voice calls or iphone messages which can be monitored more easily, but he always has a reason [for social services] as to why this

has been done. When her daughter came to stay with Individual D as her father had locked her out of the house after a row, he completely disabled her phone remotely. Recently, he smashed her daughter's mobile phone with a baseball bat upon finding out that she had tried to contact her mother after having been frightened when her father shouted at her. They have not been to court yet following this incident but when police or social services go out she says everything is ok, the incidents are minimised and her daughter says she wants to stay with her father. Individual D said that her son is now following the same path as his sister. She explained that she had not seen him for 11 weeks and was told that he did not want to see her; however, when Individual D was at the school recently he ran straight to her. Individual D told how her children's behaviour is so different when they are with her ex to how they are when they are in her care but it is not recognised as coercive control by the legal system. Individual D said that it is difficult to evidence something she can see but nobody else seems to be able to see it.

Experience/response by justice bodies/agencies and others

Individual D stated that no prosecution against her ex ever went forward as it was always minimised; the most that was given was a non-molestation order. Most of her experience with the court system has been with respect to the children.

Individual D explained that one of the main areas of concern for her is having to wait in a large waiting room outside court in close proximity to others involved in family disputes, which is still the case today. Individual D detailed witnessing domestic abuse between other parties when sitting in this room, both verbal and attempts at physical abuse. Individual D detailed an occasion when she herself had been held back by her barrister until it was deemed safe for her to leave the courthouse so as not to come into contact with her ex. Individual D also mentioned an occasion where her ex followed her erratically in his car from the courthouse to her home town where she drove to a public area where she felt mildly safer. Individual D stated that at the Ballymena court, there is a Women's Aid room and other spaces where she was able to position herself away from her ex.

At the beginning of children's proceedings Individual D was offered a Re: L hearing. However, she did not proceed as she was advised that the Re: L hearing was not going to change the direction of where the proceedings were going because there was a non-molestation order, which would be recognised by the system. Individual D states that she wishes she had gone ahead with the Re: L hearing as she feels that, as time has progressed, the domestic abuse elements have been swept under the carpet as a result of the legal process and social services. Individual D said that she felt that the opinion of the authorities with respect to the domestic abuse side of things was that she has left the relationship therefore the abuse has stopped. However, the abuse is worse now than it has ever been.

There have been threats of and actual physical abuse since she left the relationship. Individual D states that because of the courts, she is being forced to hand her children directly to him or that she has to sit in the car and let her children go to him. Individual D described how these handovers re-traumatise her and affect the children. Incidents have happened which the police say are her word against his, or for which her ex receives only a 'slap on the wrist' in court. He has hammered the door of the house, shouted abuse and used profane language towards her in the presence of her children and threatened her husband with physical violence. Individual D stated that, on one occasion, the court instigated a change whereby her ex's mother would conduct the handing over of the

children, but this lasted only for a short period of time before her ex demanded in court that Individual D bring the children to his house directly or that he go to hers.

Individual D feels that nobody really takes these incidents or her concerns about his conduct or the risk to her or the children seriously. The courts rely on social services reports but there needs to be a more collaborative approach.

Individual D does report the incidents to the police when they happen. She was sexually assaulted at the early stages following the relationship ending but again was told it would be her word against his if the case was to go to court as there was no physical evidence. Individual D expressed frustration with the views [of others] that if you can't prove it, it didn't really happen, and worries that there is no way to physically evidence coercive control to the legal system.

Individual D has frequently not actually been in court for the duration of most of the court proceedings. For most of the duration of court proceedings she has had to stay in the waiting room while a barrister goes in and out of the court room, therefore she has had to rely on one person to give her story to the judge. The court itself has been intimidating, especially when her ex represented himself so there was a chance that he would cross-examine Individual D. Individual D said that her barrister was very concerned about her ex cross examining her and also that the Judge experienced verbal abuse from her ex who was trying to tell the Judge what she could or couldn't do in her own courtroom.

Summary of key points/recommendations

- While coercive control is a broad spectrum, some specifics must be drawn up. If the legislation is vague it will be open to interpretation.
- It is difficult to evidence coercive control. There are no bruises or DNA that could help attribute the blame to someone.
- There needs to be a collaborative approach between social services, courts and any other agencies, who are involved when children are being coercively controlled as the views from social services who meet a child for half an hour every week are not substantial. Schools in particular could provide valuable insight.
- Need to be allowed in to court room rather than just the barrister relaying what is happening in court.
- Perpetrators should not be allowed to cross examine victims.
- Consideration should be given to the court infrastructure e.g. separate rooms for perpetrators and victims as the waiting rooms are vulnerable spaces.
- Would be supportive of a Domestic Abuse Commissioner in order to provide direction, ensure all agencies collaborate and ensure the legislation is implemented. This should preferably be someone with a legal background who will understand the legislation and be able to enforce it.
- Recognition that domestic abuse does not stop just because someone has left a relationship.

Following the informal meeting, Individual D submitted a number of written points for consideration which are attached at Appendix A and further information on her personal experience at Appendix B.

Appendix A

My other point I had wanted to make was that perhaps a part of the legislation could cover mandatory annual CPD of domestic abuse for all professionals legal and statutory from the justice system down to those on the daily front line. This would help to give a balanced view and insight into the gravity of abuse on its victims and also help to understand the perpetrator actions. Allowing all professionals the ability to deal with this greatly sensitive matter, in unity, being guided by the same principals and understanding.

The second point was on elder abuse. This was something we as a family had recent experience of. Several reports were made by family, friends and professionals to social services and police in regards to financial abuse of an elderly lady by her son. However the viewpoint was taken that as she did not herself recognise or wish to pursue the matter, then this therefore would not be a matter to be dealt with. So on that point I greatly support the suggestion that has been made to allow the introduction through this Bill to allow the justice system to deal with these matters irrespective of the victims insight or acknowledgment of the abuse.

However, would also acknowledge the great need for extra support for victims in these instances. As the sudden realisation of the abuse they did not see, or for the abuse being dealt with that they would have preferred to have kept hidden for various reasons, would have a profound impact on their emotional wellbeing

Thirdly, which I think I may have touched on, is a great need for recognition of domestic abuse against children. I think there is a general viewpoint that this is only an issue between intimate relationships of adults but as we know and as the Bill appears to recognise, seems to have the beginnings of understanding in this area.

And lastly, emphasis through the PSNI needs to come into play that a "domestic" is not a minimised problem. Quite often throughout the years in any of the reports to PSNI I have made about my ex partner it has felt to be very much minimised as an eye rolling, time wasting report to police. Nearly as if "its ok as they are not living together and are apart so this is just a bit of a tiff", when the reality for the victim is the deep seeded mental torture and continuous fear for your own safety. The reality for the perpetrator is that there is no consequences or repercussions to their actions and therefore no deterrent exists.

Appendix B

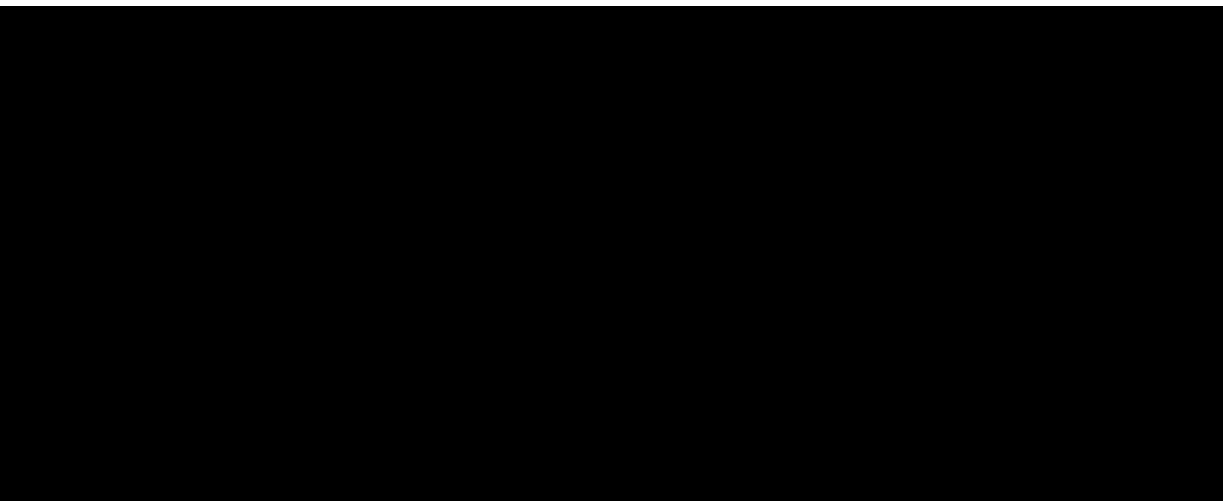
To give a little bit more clarity on the type of abuse I suffered (as I think I cut myself short on what the abuse entailed as then moved on to the legal process part of it). I understand if this cannot be included for whatever reason, but felt my full story was perhaps important to share and give context to.

The abuse entailed a constant state of fear of his aggression with him throwing things about and smashing things in the house.

Financial: Restricting the childcare I could use to enable me to work and eventually forcing me to leave my career and work for him from home. Whether he paid me or not was a monthly battle. I sold my house and cleared his mortgage, but after the relationship ended I discovered that he had in fact taken the money for himself. I did have to fight this in court as he denied this transaction ever took place, but I was thankfully able to prove it through keeping the transaction receipts and the court awarded this money to be returned, but even then he had the control as it was paid in instalments over 4 years.

Sexual abuse: Telling me I was ugly and fat and would not want to have a sexual relationship with me, however then on occasions me waking up from my sleep in the middle of the night to find him on top of me, already engaged in intercourse. This I did not recognise at the time as rape, it was only after the relationship ended and doing therapeutic work to make sense of everything that I recognised this for what it was.

He would have controlled my access to friends and family or any online activity by regularly changing the wifi password so to prevent my access to the internet.



Her demeanour, actions and words used [REDACTED] are a complete replication of how her father behaved. It breaks my heart that through her subjection to witnessing and experiencing this abuse that the path of her life is now being massively steered in the wrong direction. The cycle appears to be continuing now through her and without significant help I fear for what future lies ahead of her.

A perfect example of the level of change in her with him is she was attending a counselling programme with [REDACTED] just before her move to him. She had 14 sessions before this

move and engaged well, making good progress. The counsellor reported in writing to the court and social services that she disengaged immediately following the move, missed the first week, second week "presented as a very different girl", third week she walked out half way through the session stating she didn't need to be there.

I hope this is helpful in some way and if I can be of any further assistance please do not hesitate to contact me. I feel so passionately that times need to change to protect victims of the future and in an ideal world prevent the victims even ever becoming victims to begin with.