

Domestic Abuse Bill Response from Belfast Area Domestic & Sexual Violence Partnership.

The Belfast Area Domestic & Sexual Violence Partnership is one of five local domestic violence partnerships operating across Northern Ireland. We bring together agencies with an interest in domestic and sexual violence with the aim of sharing resources, knowledge, best practice and expertise. We have a wide and diverse membership, with approx. 26 member agencies including Belfast Health & Social Care Trust, Men's Advisory Project, Women's Aid and the Rainbow Project to name a few.

We very much welcome the introduction of the Domestic Abuse Bill and within it the recognition of the seriousness of coercive control and its devastating impacts. We are very grateful to Minister Long and to the Department of Justice for their commitment to taking this forward and very much welcome the opportunity to comment on the proposed bill.

The bill sets out much needed legislation around domestic abuse; for too long Northern Ireland has lagged behind the UK and Ireland in respect of appropriate legislation to tackle domestic abuse. The measures set out in this bill will go some way to providing much needed protection to those experiencing domestic abuse throughout Northern Ireland.

- *The definition of the offence and the definition of abusive behaviour*

The Partnership welcomes the proposed legislation and feels it captures domestic abuse in all its forms and are pleased to see coercive and controlling behaviour identified. We welcome the inclusion of familial violence. For some time the Partnership has raised awareness of the issue of adult child to parent violence and are pleased to see the legislation would extend to those victims experiencing abuse from their adult children. Unfortunately, this dynamic is something we are seeing

more and more of and comes with its own specific complexities around prosecuting. Including familial violence within the definition, will hopefully help to reduce some of the isolation victims of adult child to parent violence may feel and will hopefully enable them to get support.

As a Partnership, which works for all victims of domestic and sexual abuse, we are pleased to see male victims and victims within same sex relationships recognised within the bill. However, we would note the gendered nature of domestic abuse and would highlight, the majority of victims are female.

We welcome the comprehensive list of behaviours associated with domestic abuse in all its forms. We agree it is useful to include examples of abusive behaviour but not a definitive list. Unfortunately perpetrators of domestic abuse are continually finding new ways to exert control and this approach recognises the changing nature of domestic abuse. We note the growing use of technology facilitated domestic abuse and highlight this as an increasing area perpetrators can use to abuse, stalk and control their victims. We would advocate the need for significant training for the criminal justice agencies around technology facilitated domestic abuse and how it can be used by perpetrators to gain omnipresence and instil fear in their victims.

- *Any identified issues regarding the investigation and prosecution of the new offence*

In terms of investigating and prosecuting the new offence, training of key agencies will be essential. It is vital that agencies understand and can recognise coercive control, its impact and how dangerous it is. Many domestic homicides have been committed without the presence of any previous physical violence, instead there was a history of persistent and high levels of controlling behaviour.

We welcome the prohibiting of cross examination by the alleged perpetrator. We recognise that many perpetrators try to use family and criminal proceedings to further abuse their victim – often dragging out divorce proceedings, child contact,

etc. and are pleased to see this addressed within the bill. However, we would like to see the prohibition extended to direct cross-examination in any family proceeding in which allegations of domestic abuse are being determined, or where domestic abuse has been admitted and/or found.

- *Whether the 'reasonable' defence included in the legislation is framed appropriately and the intent of when it would apply is clear.*

We have reservations about Clause 12 the “defence on grounds of reasonableness” We understand that there is a need to safeguard vulnerable adults or to protect family members. However, we are concerned that the reasonable defence could be used by a perpetrator to imply a victim has a mental illness or be used to justify their actions. The Partnership feels the wording is not specific enough to prevent this from happening. We would also highlight the concerns raised by Rachel Woods, MLA at the plenary session -

“Clause 12 deals with the intention and reasonableness defence. My main concern is around those who are in care or in caring relationships, and those who have disabilities with their physical health and mental health. The concern has also been raised by Eddie Lynch, the Commissioner for Older People, who has noted the phrasing in clause 12(2)(a) that the evidence: "is enough to raise an issue as to whether the course of behaviour is as described in subsection (1)". The phrase "enough to raise an issue" seems sufficiently loose as to conceivably allow for victim-blaming as a means of defence. It cannot be the case that the dominant person in a relationship needs only raise a query over the victim's behaviour in order to rationalise abuse, as such formulation may allow. I support calls for the inclusion of a safeguard in the legislation to protect family members. However, as I raised in Committee, could person A, who is a carer and related to person B, be found to be acting abusively but be excused on the grounds of reasonableness? I do not think that it is specific enough to protect elderly or vulnerable people. We obviously need to make sure that it is, and I look forward to engaging with the Commissioner for Older People on that.” P 44 Rachel Woods, Green Party, Plenary. However, we would highlight the need to educate the public and professionals on what constitutes

coercive control so they can fully understand the offence and the various behaviours that could be included within it.’

The Partnership would highlight the need to educate the public and professionals on what constitutes coercive control so they can fully understand the offence and the various behaviours that could be included within it.

- Whether the penalties provided for in the Bill are appropriate and adequate

The Partnership welcomes the maximum penalties set out in the bill and feel they reflect the serious nature of domestic abuse.

We welcome the inclusion of both the child aggravator and the general aggravator again reflecting the seriousness of domestic abuse. The child aggravator recognises that children experience domestic abuse, they are not just witnesses but see it, hear it and experience it. The aggravator also reflects how children can often be used by the perpetrator to further abuse and gain control over the victim.

- Any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means

The Partnership would highlight the role of Domestic Abuse Commissioner and feel this would be a useful addition in Northern Ireland. We recognise Minister’s Long’s rationale for not including a Commissioner. Whereas in NI, we do have good links with voluntary sector partners and one police force operating across NI, domestic abuse cuts across many different sectors and areas within our society and we therefore feel there would be value in a Commissioner role. They could work across justice; health; economy; education and communities. We feel having one champion to advocate on behalf of all victims and to hold Government to account would be extremely beneficial.

We would welcome Domestic Violence Protection Notices/Orders to be included with in this bill. These provide vital protection for victims of domestic abuse and the

Partnership would like to see these brought into Northern Ireland as soon as possible. We do appreciate Minister Long's commitment to introducing these separately, however we would prefer to see these included within the Domestic Abuse Bill.

The Partnership would welcome the roll out of other initiatives around domestic abuse including Operation Encompass – which would provide children living in homes where domestic abuse is present with much needed support.

We would welcome the roll out of the IRIS project across Northern Ireland. The IRIS project has shown to be very successful in other areas of the UK in identifying and referring people in need of support to appropriate agencies. The Partnership has continually tried to raise awareness of domestic abuse with GPs as they, undoubtedly, see victims of domestic abuse on a daily basis. We have encouraged them to be aware of the indicators, signs and referral pathways. The IRIS project provides much needed resources and training to GP practices on domestic abuse and would ideally be rolled out across the whole of Northern Ireland.

The Partnership would also like to highlight the issue of non-fatal strangulation and would be keen to see this addressed either within the bill or subsequent legislation. Strangulation is a high risk indicator and extremely common within domestic abuse relationships. Studies have shown if a victim is strangled by their partner they are seven times more likely to be killed at a later stage. Yet our current laws make prosecution for strangulation offences very difficult. Countries such as New Zealand have specific offences relating to non-fatal strangulation, highlighting the seriousness of it. The Partnership would be keen to see similar laws within Northern Ireland and would also welcome additional training for the criminal justice agencies, health professionals, etc around how to spot signs of strangulation and respond appropriately.

The Partnership support and welcome the Bill and look forward to it achieving royal assent. As with any new legislation, the success of it will mostly rely on appropriate training. The need to ensure adequate training and awareness raising of coercive control among key agencies is paramount. It is essential that frontline police officers and criminal justice agencies, health care professionals, etc understand what coercive control is and all its subtleties. It is essential to debunk the myth that non-physical violence is harmless. In many cases of domestic homicide there has been no prior physical violence, highlighting the dangerous nature of coercive control. The Partnership would advocate that training should be carried out by specialist agencies such as Women's Aid.

In addition to training of key agencies, a public awareness campaign would also be of paramount importance. Many victims of domestic abuse believe the abuse has to be physical; highlighting that non-physical abuse is also a crime is vital.

Finally, it is hoped that this new legislation will encourage more victims to come forward and get support. It is therefore essential that frontline services are adequately funded to enable them to provide that support. Northern Ireland, unlike the rest of the UK, does not have Independent Domestic Violence Advocates or an advocacy service. This needs to change, victims of domestic abuse in Northern Ireland not only deserve a robust law that protects them but specialist support services to guide them through the process.