

FROM THE MINISTER OF HEALTH



Department of  
**Health**

An Roinn Sláinte

Máinystrie Ó Póistie

[www.health-ni.gov.uk](http://www.health-ni.gov.uk)

Committee for Justice  
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Your Ref:  
Our Ref: CORR-1563-2020  
Date: 19<sup>th</sup> May 2020

Dear *Christine*,

Thank you for your letter of 7 May seeking views on the content of the Domestic Abuse and Family Proceedings Bill.

This is an important piece of legislation, which I know has been a key priority for the Department of Justice ('DoJ') under the cross-departmental *Stopping Domestic and Sexual Violence and Abuse Strategy (2016)*.

My Department continues to work in partnership with DoJ to deliver this strategy. Indeed my officials were represented on the draft Bill's multi-agency working group along with leading voluntary sector partners including Women's Aid Federation NI, Men's Advisory Project, Nexus NI, Victim Support and NSPCC.

Any form of domestic violence is completely unacceptable. Creating a new offence which will criminalise patterns of controlling and coercive behaviour will, I believe, address gaps in our existing law. I also hope it helps to raise awareness that domestic abuse is not limited to physically violent behaviour. Psychological, emotional or financial abuse is just as harmful, if not more so.

While issues around prosecution and penalties etc. are not within the purview of my Department, I do welcome the powers that Courts will have to increase sentencing where a victim is under the age of 18; where a child has been used to abuse a partner or family member; or where a child sees, hears or is present during an incidence of abusive behaviour. It is important that the Bill recognises the adverse impact domestic abuse can have on children and young people.

In terms of other legislative approaches, it may be helpful to update the Justice Committee on work that my Department is taking forward in relation to the Children (Northern Ireland) Order 1995 (the Children Order). A provision has been included in the draft Adoption and

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Children Bill to amend the definition of "harm" in the Children Order so that it includes harm caused to a child by seeing or hearing the ill-treatment of another. This will place an explicit requirement on courts, police and authorities, in a range of contexts, to consider the effect of domestic abuse on a child when they are making decisions about him or her that require harm or potential harm to be taken into account.

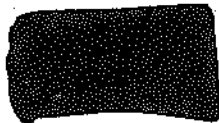
Once the Domestic Abuse and Family Proceedings Bill receives Royal Assent, my Department will review the wording of the amendment contained in the Adoption and Children Bill, to determine whether any change is required to link with the definition of "abusive behaviour" in the Domestic Abuse and Family Proceedings Act.

I wish the Committee well in its scrutiny of the Bill. I am very mindful that the message to stay at home during the current pandemic brings new challenges for people living through domestic abuse and for support services in our voluntary and community sector. I hope that the Bill's passage brings hope for victims and survivors across Northern Ireland.

I am also copying this correspondence to the Health Committee for information.

I trust you find this response helpful.

Yours sincerely

A black rectangular redaction box covering the signature of Robin Swann.

**Robin Swann MLA**  
**Minister of Health**

CC: Health Committee