



Written evidence to Justice Committee
Domestic Abuse & Family Proceedings Bill
May 2020

Nexus NI welcomes the introduction of the Domestic Abuse & Family Proceedings Bill to the Assembly, and the opportunity to provide comment and scrutiny of the Bill to the Justice Committee.

Nexus NI is responsible for the management of the Domestic and Sexual Abuse Helpline, which offers support, advice and referral to any victim of domestic and sexual abuse/violence in Northern Ireland. The Helpline also offers support and advice to those concerned about victims.

We work closely with colleagues in Women's Aid, Men's Advisory Project, Men to Men, The Rainbow Project, The Rowan (SARC) and Victim Support to ensure that victims are given the right support when they need it.

We believe that this important legislation is required to ensure that protection of victims is not limited to physically violent behaviour and that patterns of coercive, controlling behaviour is recognised as a criminal offence in Northern Ireland.

Our responses to the specific questions posed by the Committee in their call for written evidence are outlined below:

How this new domestic abuse legislation enhances existing legislation and whether it fully addresses the gaps in existing law and will improve the ability of the justice agencies to prosecute domestic abuse cases

Clause 1:

- When referring to physical and psychological harm we would ask if this is considered sufficient in order to cover emotional harm/abuse or if emotional harm and abuse should be specified.

Clause 5:

- We would ask if the definition makes sufficient provision within the terminology for children who are foster children or children who are in temporary care. Consideration should also be given to including other family relatives with parental or guardian roles e.g. aunts, uncles etc.

Clause 8:

- Whilst we largely support this clause, however, has consideration been given as to how the law would be applied in cases where the perpetrator is also a child.

The definition of the offence and the definition of abusive behaviour

- We broadly agree with the definition of abusive behaviour contained in the bill. However, given that economic abuse is common issue for victims of domestic abuse there is an argument that it should be specified in the definition.
- We welcome that the bill isn't gender specific and covers female and male victims and perpetrators recognising that anyone in society can be a victim of domestic abuse.

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

- We believe that it is important that adequate training is provided to police officers, legal professionals and anyone involved in enforcing, gathering evidence/prosecuting the new law so that they are able to ensure that it can be used to its full extent to protect victims and hold perpetrators to account.
- Training and education regarding recognising coercive control for frontline police officers is crucial so that they can recognise behaviours which may constitute an offence/part of an offence under the new law.

Whether the ‘reasonable’ defence included in the legislation is framed appropriately and the intent of when it would apply is clear

- There is concern that the reasonableness defence in its current form could lead to difficulties for any victim with a disability or vulnerability to seek protection from the law. It is recognised, that women with disabilities are twice as likely to be victims of domestic abuse, and, are less likely to report it due to multiple barriers. In many cases, the abuser of someone with a disability is also their carer. It raises concern regarding those with a caring responsibility and it would be recommended that further scrutiny should be considered for those with a disability.
- Due to range of myths surrounding the nature of abuse, male victims of abuse often feel that their experiences can be discounted or minimised by authorities. It is important that this issue is taken into account.
- For a reasonableness test to be properly applied, both legal professionals and jurors would need an understanding of what coercive controlling behaviour looks like and what behaviours would meet this threshold. This may require training for those involved in the criminal justice process. Behaviours that might appear to be innocuous may in a specific domestic abuse case, be abusive.

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

- We believe that it is important given the long term damage and issues caused to survivors of domestic abuse and any children involved in these cases that the penalty reflects the seriousness and abhorrence with which society views the crime. We support strong penalties being attached to this offence and note that the scale of sentences is higher than in the Westminster Bill.
- In these cases, legal teams should request victim insight reports



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 domestic abuse law should be passed as quickly as possible, in the interest of protecting victims and we would not recommend that this bill be delayed.
There are however a number of areas that this bill does not make provision for and we would support calls for the introduction of stalking legislation at the earliest opportunity.
- Following the passing of the bill into law, we believe that it would be important to plan a public awareness and advertising campaign around what domestic abuse and coercive control is and what this law will make criminal behaviour. This would support victims to identify the behaviours they are suffering and deter perpetrators.
- As domestic violence and abuse-related issues are also dealt with in civil and family courts, it would be important that there is strong linkage between courts to enable joined up thinking.
- It is important to consider the provision for the rehabilitation of offenders in this area. A specialist programme on rehabilitation of offenders should be introduced.