

**A RESPONSE TO THE DOMESTIC VIOLENCE AND FAMILY PROCEEDINGS BILL  
IN THE NORTHERN IRELAND ASSEMBLY FROM THE  
NORTHERN IRELAND CATHOLIC COUNCIL ON SOCIAL AFFAIRS (NICCOSA)  
ON BEHALF OF THE CATHOLIC BISHOPS**

**4<sup>th</sup> June 2020**

NICCOSA is an advisory council to the Catholic Bishops of Northern Ireland made up of Catholic Bishops, clergy and lay faithful. It welcomes the opportunity to respond to the consultation being undertaken in respect of the Domestic Violence and Family Proceedings Bill presently making its way through the legislative processes of the Northern Ireland Assembly.

The Catholic Church regards domestic violence as a grave offence against the integrity and dignity of the human person which should never be excused or tolerated. Many Catholic parishes and organisations, such as the Accord Catholic Marriage Care Service, play a key role in responding to those who have suffered such abuse. This includes raising awareness of the issue, providing safe spaces in which disclosure of such abuse can take place and providing details about where victims of such abuse can find appropriate help. The funding of sufficient, easily accessible and appropriately skilled services remains a critical need in this area.

However, NICCOSA notes that the scope of this particular consultation is limited to the specific clauses of the Bill as currently proposed. The following is therefore a specific response to these clauses, as requested, compiled with the assistance of people with pastoral and professional legal experience in this area. The response is not intended to be definitive or exhaustive but is offered in the hope of providing a perspective informed by pastoral care and a commitment to the welfare and inherent dignity of every person.

**RESPONSES TO SPECIFIC ARTICLES**

ARTICLE NUMBER	COMMENT
1(3)	The words fear, alarm and distress referring to psychological harm. Should there be a definition of the gravity or length of the effect. Does the legislation intend that a feeling of fear for a momentary period would lead to an offence being committed?
2(3)(a)	The words “making B dependent on”. Could consideration be given to the wording “intentionally or recklessly making B dependent on”. In

	some relationships B can become dependent on A without there being an intention to do so on the part of A.
2(5)	Is this necessary at all? Allowing definitions to be unlimited when there are criminal consequences surely has implications for the rights of the defendant.
3(1) and 3(2)	In the circumstances where behaviour is alleged and there are no effects, should caution be considered in the evidence required for such an offence to be made out, in terms of the evidence required?
4(b)	"Intentionally failing to do something" must be treated with caution. In what way should a person be compelled to do something? Perhaps examples could be given in this definition. The obvious one being failing to financially support B when it is clear that A had a duty to do so.
5	This is a well drafted comprehensive definition article. It is important that this article is clear.
6(4)(b)	Whilst it may be implicit that the same objections procedure as 6(4)(a) applies to (b) it may be wise to re state the objection procedure
7(2)	In terms of "proper address" should caution be taken to ensure that this address is still the proper address of the defendant, considering that he or she may have recently left the premises following alleged domestic abuse incident
8 and 9	The offence being treated as an aggravated one (?) when the victim is under 18 or is a relevant child with the consequent effects upon sentencing is welcomed. There is a plethora of established expert evidence that children exposed to domestic abuse are adversely psychologically and emotionally affected with long term adverse implications for them. This offence being aggravated by this factor should send out a clear signal to the perpetrators of domestic abuse.
10	There should be a caution about the evidence adduced where the behaviour has wholly or partly occurred outside the jurisdiction and this may require evidential rules to be considered. This article is however to be welcomed especially where those who have been in this jurisdiction a short time and may now feel safe to allege domestic abuse have a lengthy history of domestic abuse in another jurisdiction.
11	Article 11 is to be welcomed, and any inappropriate conduct towards a child by a parent or those with parental responsibility already has a pathway for child protection.

12	Article 12 is a well drafted article in terms of the rights of the alleged perpetrator to raise a defence.
14	The maximum penalties will be subject to judicial guidance on sentencing guidelines
21	This is appropriate. In terms of proportionality, allowing defendants to elect for jury trial in the lower end domestic abuse case could cause disproportionately lengthy trials and stress upon alleged domestic abuse victims.
22	Special measures applying to the situations specified are to be welcomed.
23	Prohibition of cross examination of the complainant by the person charged is to be welcomed. There is expert evidence for the toxic effects on complainants when in the past they could be cross examined by the alleged perpetrators of abuse.
27	NICCOSA, on behalf of the Catholic Bishops, would welcome the opportunity to consider any amended legislation and any rules or guidance issued before enactment

**ENDS.**