



**RESPONSE OF THE COUNCIL FOR PUBLIC AFFAIRS OF THE
PRESBYTERIAN CHURCH IN IRELAND TO THE CALL FOR EVIDENCE BY THE
NORTHERN IRELAND ASSEMBLY COMMITTEE FOR JUSTICE ON THE
DOMESTIC ABUSE AND FAMILY PROCEEDINGS BILL**

JUNE 2020

Background

1. The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy. The Church's Council for Social Witness seeks to deliver an effective social witness service on behalf of PCI and to the wider community through the provision of residential care, nursing care, respite care and supporting housing for vulnerable people including the elderly, those with disabilities and those transitioning from the criminal justice system. The Council for Social Witness also oversees safeguarding for children and vulnerable adults for the denomination.
2. PCI welcomes the introduction of the Domestic Abuse and Family Proceedings Bill which seeks to address gaps in current legislation in relation to domestic abuse, and specifically controlling and coercive behaviour. The increased pressures brought about as a result of the Covid-19 pandemic have not only heightened awareness of domestic abuse but also increased the incidence of reporting. These trends will only continue as society moves out of this lockdown period and many families face financial uncertainty, challenges associated with poor mental health and other stresses. This legislation is a timely intervention, and both the Executive and the Assembly are to be commended for bringing it forward.
3. PCI is a member of the Northern Ireland Adult Safeguarding Partnership and has participated in the Women's Aid NI Safe Church programme, with a number of its churches across Northern Ireland recognised as 'Safe Places'. Through their pastoral care work in congregations and often in the wider community, clergy, other church staff and volunteers discreetly provide support and care to families who experience domestic abuse in all its forms. That said PCI also recognises that there is still work to do across the denomination to openly acknowledge that these issues exist within our congregations, and to address cultural attitudes which can disregard or overlook the coercive behaviours highlighted by this legislation.

Part 1 Chapter 1 – Offence of Domestic Abuse

4. The introduction of the domestic abuse offence in Clause 1 and the behavioural characteristics in Clause 2 provides a framework through which non-physical abuse of a partner/connected person can be identified and criminalised.
5. Extending the definition of the abuse offence beyond partners to ex-partners and more widely to family members expands the reach of the legislation and recognises that abuse can be inter-familial in nature. This is particularly important for tackling the problem of elder abuse within families.
6. With regard to the provisions relating to children it is PCI's recommendation that any proposed legislation is harmonised with best safeguarding practice and specifically with current child protection legislation.
7. The defence on grounds of reasonableness clause provides protection where actions are taken to protect an individual for their own safety. Guidance will be required for the PSNI, prosecutors and other agencies to ensure that this provision is used within the spirit which it has been intended.
8. While the legislation must be precise in its terminology caution should be applied regarding the potential overuse of the term victim, which should be balanced with the appropriate term of survivor.

Commissioner or Champion?

9. PCI notes the comments of the Minister for Justice who is not minded at this stage to create a new role of domestic abuse commissioner. The Minister noted that there is already a very close and constructive working relationship between the department and the key statutory and voluntary agencies and that this was a further reason which negated the requirement of a commissioner.
10. A commissioner without the necessary powers to properly hold to account those with responsibility for victims and survivors would only be a disservice to the sector. Furthermore, creating a commissioner role would have the effect of taking away vital funding and resources from the frontline and the services need to support victims and survivors of domestic abuse.
11. However it cannot always be assumed that the relationship between all partners will be close and constructive. A strong voice, independent of government and advocating on behalf of domestic abuse victims and survivors, would provide much needed support for the sector and augment the good work already being undertaken by voluntary organisations.
12. PCI therefore recommends the creation of a "Champion" role that might act as a critical friend back to government, and be a strong independent voice for the sector. The Health Minister Robin Swann MLA has recently announced the creation of a similar role in relation to mental health, and there may be learning from this appointment which could be transferred into this area.

Measures to support the legislation

13. This is significant and important legislation which will give criminal justice agencies the power to bring perpetrators of non-physical domestic abuse to account. However, this represents the most blunt instrument which can be used to tackle this challenging issue. Broader changes across the

statutory and voluntary sector, along with wider society are also required if domestic abuse is to be successfully countered. Some suggestions of what these changes might be include:

- i. Adequately resourced support for domestic abuse victims and survivors across the spectrum of needs from counselling to the availability of appropriate programmes and other measures to assist them as they seek to rebuild their lives.
- ii. Appropriate training to help with the identification and recognition of the signs of coercive and controlling abusive behaviour. Within a church context this would be valuable for clergy and other staff and volunteers who provide pastoral care and (in normal circumstances) visit people in their homes. Raising awareness of the characteristics of abuse and increasing knowledge of the pathways of support will equip pastoral care givers to deal confidently and sensitively with incidences of abuse as they become known. It is not necessary for all responses to come from the statutory sector, and the Safe Church/Safe Place initiative provides a good working model which can be built on.
- iii. Continued roll out of education within schools and other appropriate settings so that both young men and young women understand not only what it looks like to be on the receiving end of physical, coercive and/or controlling abuse, but also the characteristics of a perpetrator. Such preventative work can only be beneficial in the longer term.

**Rev Daniel Kane (Convener of the
Council for Public Affairs)**

**Rev Trevor D Gribben
(Clerk of the General Assembly)**