



The Women's Advocacy Project offers support to victims and survivors of Domestic Abuse in the Triax area of Derry City. We are based at Dove House Community Trust in the heart of the Bogside. Dove House has over 35 years of experience in supporting the local community in a range of areas such as welfare advice, employment and training, youth services and debt management.

We help victims and survivors at a grass roots community level. Our project was realised after our benefit advice services saw an increase in Domestic Abuse disclosure to them whilst clients were receiving support for benefit queries. Many of those clients did not wish to go outside of their community to seek help so it became apparent that we needed a project to deal with these issues immediately and "in house", rather than risk a client leaving the office without receiving any information or advice on services available to them.

The Women's Advocacy Project is funded by Department of Communities and have been operational since 2016. Since this time, we have supported and advocated for hundreds of local women who have experienced Domestic Abuse. As well as this, we have spear headed numerous campaigns throughout the city raising awareness to Domestic Abuse and more recently, coercive control and its effects. We have also taken part in various health education and awareness initiatives.

We welcome the call for evidence to the Justice Committee on the Domestic Abuse and Family Proceedings Bill 2020 and this submission is on behalf of service users of the Women's Advocacy Project.

Covid-19 and Domestic Abuse

Since the arrival of the pandemic in the UK and Ireland we have seen a sharp rise in service users seeking help for issues arising from Domestic Abuse. Many service users over the last number of months have sought help with increasing levels of threat, fear of violence or intimidation, stalking, fear of homelessness, support for gaining Non-Molestation Orders and generalist advice as a result of Domestic Abuse and increased levels of coercive and financial control.

Service users have described the quarantine as a "jail sentence" whereby they are locked inside with their abuser for long periods of time without any reason to leave their homes to seek help.

Further to this, statistics have shown that in the short period of lockdown there has been three murders in Northern Ireland. It is clear that Domestic Abuse is on the rise.

1. 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

We welcome the proposed legislation and appreciate that it will make a significant difference to any one experiencing coercive control. We also applaud the fast action by Justice Minister Naomi Long in reintroducing such legislation, however there has been a three-year gap. There are certain areas which have not been considered in this primary legislation which include;

- **Clear legislation relating to stalking and coercive control**

Stalking has clear and identifiable links with Domestic Abuse. Countless service users have informed us of their experiences of stalking during and more frequently once a relationship had ended. They fear for their safety. Many of these service users have reported this to the police, but with a lack of evidence and simply their word that this was happening, they were told there was not much they could do in the way of seeking protection. We would submit that because of the close links between stalking and Domestic Abuse this should be covered in the proposed legislation. If this was to be implemented it goes without saying that it goes hand in hand with training to all those in law enforcement and across the board.

Extract from Domestic Abuse survivor and service user:

The perpetrator is dismantling belief systems, using in effect suggestive brain washing to destroy a human being's psyche. Creating cognitive dissonance often resulting in extreme paranoia, possible agoraphobia due to aggravated shame or fear-based thoughts. The consequences are endless often resulting in suicide attempts due to the hopelessness that is imposed on the victim by the perpetrator.

It is also highly noted that many non-physically but emotionally abused victims do not rate their circumstances as seriously as a physically abused victim. Implementation of this order would present perpetrators with a very stark warning and send a message to victims that they are as vulnerable and deserving of help and protection.

As practitioners we would like to see information for victims on the severity of emotional abuse, how it physically effects the brain. The body cannot always differentiate between a physical or emotional injury. Thus, supporting the seriousness and equality of both forms of abuse. It is systematic and has a degenerative effect on overall brain function.

Extract from Domestic Abuse survivor and service user:

Recognising the damage may in some way explain to victims what is going on mentally. Support and training / nurturing programmes could include neuro plasticity based gentle self-care / self-healing tools that could allow victims to not only understand what has happened to them but also give them hope to rebuild their purposely attacked mind.

- **Issues surrounding homelessness for anyone fleeing Domestic Abuse**

One of the key barriers to fleeing a Domestically Abusive situation with countless clients we have dealt with is the very real fear of homelessness. The act of “fleeing” to us clearly depicts what happens in these circumstances. These women no longer want to live in fear and so after following their safety plans, or after making a decision to leave, they are faced with the barrier of -but to go where? With isolation being at the core of Domestic Abuse many women do not have close family or friends to rely on for support or a place to stay. We have been through various homeless applications with clients and the NIHE and have discovered a massive shortage of temporary housing within the Derry Area. For those lucky enough to get a place at a women’s shelter, this may be easier but other women have been offered places in local Bed and Breakfasts or further a field outside of Derry City Area. For anyone with children this is not a long-term solution. Stays in temporary accommodation may last up to two years, depending on a person’s circumstances. The decision on whether or not to make themselves and their children homeless versus out of danger should not be a choice a survivor has to make.

Specialised, safe and funded women’s shelters are a way of ensuring that no person has to make the decision to stay with an abuser. From our experience, those women who have got places in women’s refuges have told us about their “on-site” support from support workers and a general comradery between the other women residing there. After leaving such a damaging relationship, women need to be built up and this is the perfect way of doing so. However, for some women, privacy is essential and for them, securing tenancy’s with NIHE or associated housing is what will aid them in their recovery. For many women, private tenancy is not an option. Economic control from the perpetrator will often mean that the victim has never had access to their own funds and so when they leave, they will not have any finances to help pay deposit and first months rent.

Unfortunately, this Bill makes no mention of housing provisions for anyone in these circumstances, and it must, to make a real impact on anyone deciding whether or not to leave. If we compare this with the GB and Wales Bill which does mention this and further ensures that women will not end up homeless when they flee these circumstances either through funded refuges or through protected social housing tenancies. This is a very real worry for women in Northern Ireland. Although we understand that this is not solely an issue for the DOJ, it still requires inclusion in the bill as Domestic Abuse entwines itself around all areas of our lives.

- **Domestic Abuse Commissioner**

With the increase in murders by abusers during the Covid-19 lockdown, we believe that an appointed DA Commissioner could ensure that there is accountability from this legislation. They could also ensure that after the roll out of such legislation there is appropriate training across the board in issues relating to Domestic Abuse. This role would give a voice to the at times voiceless.

- **Providing Employers with guidance on Domestic Abuse and coercive control**

We also note the gaps between the UK bill and proposed legislation in Northern Ireland. These include guidelines to employers on recognising traits of coercive control. During one of our campaigns, our project worked closely with DCSDC and designed a coercive control poster, whilst speaking with various employers we were made aware that many of them did not understand the fundamentals of what coercive control was and how to notice signs. It is simply not good enough to have legislation relating to coercive control without ensuring that

there is a general knowledge, training and understanding of what it is across our communities, government departments and employers. Making this knowledge part of the legislation would go a long way in helping anyone experiencing this be able to access support during their time at work. One of the few windows of opportunity a victim may have to seek help.

Shame is a word many service users have described when explaining the embarrassment, they felt when telling their employers that they had been experiencing Domestic Abuse and as a result had to attend court for; Non-Molestation Orders, child contact hearings, criminal hearings. A victim should not have to take holiday time off work, unpaid leave or sick leave to deal with either court attendances or for recovery of the trauma of experiencing Domestic Abuse. Rather, this Bill should include a provision like the Republic of Ireland who recently implemented legislation on 10 days for Domestic Violence related leave. This would enable a person to get their life together without worrying about getting into trouble at work.

- **Review of Northern Ireland court system**

Another major fear for any one who is deciding whether to take forward a criminal case or to begin contact proceedings with an ex-partner in the family court is the fact that in many circumstances they fear they will be further victimised by the defence.

Extract from Domestic Abuse survivor:

S.23 Prohibition of cross examination in person

Prevention of cross examination by the perpetrator may give victims the courage to proceed with legal action. Many victims are subjected to horrific repeated verbal abuse and falsely accused by their abuser and cannot stand the thought of ever having to hear the perpetrators voice again.

Every day may have felt like a cross-examination in the home and/or relationship. Victims often fear not being believed by other people. Cross examination by the perpetrator may trigger a highly disturbing response disabling the victim from giving viable factual information.

I was legally advised I would be horrifically cross-examined but would win the case. I did not proceed because of the thought of having to go through this.

Many family court decisions will allow for a child to have unsupervised contact with an alleged perpetrator, when they maybe already on bail for committing violent offences against the victim. This is putting the child and unnecessary harm and a real source of worry for a parent.

Clause 9 makes reference to a child being used as an aggravating factor. We would agree that this is too often the case.

- **Non-Molestation Orders**

Another worrying gap in the proposed Bill relates to the lack of information around Non-Molestation Orders. Our project has worked with a number of victims who are low income and fall into the category of the “working poor”, whereby they are slightly over the threshold for Legal Aid and as a result have had to decide between food/rent or safety from a dangerous predator. This is not acceptable and sends the message that Domestic Abuse is a personal problem, when in fact it is not. It is an epidemic that crosses all walks of life and a systematic failure to not aid and protect anyone experiencing it. Victims should not be responsible for financing protection for themselves or their children.

In the legislation brought in by GB and Wales we can see that they introduced Domestic Violence Protection Orders (DVPOs) and Domestic Violence Protection Notices (DVPNs). A DVPN could replace the ex-parte NMO and can be issued by the police when attending a Domestic Abuse incident. Within 48 of being granted a DVPN, a victim can apply for a DVPO which if granted provides protection for a further 28 days. We would support the use of Domestic Abuse Protection Orders and Domestic Abuse Protection Notices. We believe that all fees related to NMOs should be scrapped. Gaining an Ex-parte NMO can cost upward of £500 at the moment and this only lasts for a number of weeks before it can be defended and another longer one granted.

We would also like to note that during the Covid-19 pandemic, NMO's have been granted remotely and via telephone without the need for the victim to be physically present. Service users have reported to us that this has worked much better when making the decision on whether or not to apply for a protection order as it takes out the anxiety of attending court, which is a reason why many victims do not go for such orders.

The UK is a party of the Istanbul Convention and thus it is essential that it carries out the duties described in same so that we can fully implement Article 33 relating to psychological control here in Northern Ireland We do not want to see a diluted version of the UK Bill in Northern Ireland.

2. The definition of the offence and the definition of abusive behaviour

While our project has aimed to provide awareness campaigns on what Domestic Abuse is with a special emphasis on coercive control at a small level, we recognise the immediate need for a nationwide campaign which sets out what behaviours are included when we speak of coercive control and what falls within its boundaries. This is not widely known to the public at large. We spent some times speaking with secondary schools and youth groups and were shocked at the over all consensus and lack of knowledge provided by 18-year olds and younger. Domestic Abuse can be generational so breaking the cycle is essential.

We also support gender neutral terminology being used. Many Domestic Abuse awareness campaigns depict only heterosexual stories and testimonies. We have supported LGBT+ service users and their stories also need to included. However, this must also be balanced with the over riding factor that the majority of victims of Domestic Abuse are female. Perhaps campaigns depicting a wide range of couples could over come this and promote inclusivity to all.

Extract from Domestic Abuse Survivor when discussing coercive control:

Making them feel frightened, humiliated, degraded, punished or intimidated (e.g. through abusive name-calling, threats of self-harm or playing mind games that cause them to doubt their sanity).

Mind games that cause a victim to doubt their sanity are so dangerous and horrifically abusive. An emotional and mental dismantling of the victim's beliefs. Purposeful sleep deprivation and confusion are powerful tools perpetrators use. The threat of self-harm from the perpetrator may make a victim feel they have to be constantly available to a possibly already extremely demanding partner.

Clause 3 – Impact of behaviour on victim

Clause 3 provides that, for the offence to be committed, it is not necessary to prove that the behaviour actually caused the partner/connected person to suffer physical or psychological harm, or that the effects of the abusive behaviour, (set out under clause 2) actually caused harm.

Rather it is sufficient that a reasonable person would consider that the behaviour would be likely to result in harm. This is intended to cover situations where a victim may not consider that they have been harmed, effectively due to either their resilience or abusive behaviour having become normalised within the context of the relationship.

Extract from Domestic Abuse Survivor

It is the perpetrators aim to normalise the abuse. The abuse can have a devastating effect on how the victim perceives themselves and their self-image. Interpersonal relationships can suffer greatly without the victim being consciously aware of this as the victim eventually has no sense of wanting to engage with life as they have been led to believe they are not a valuable member of society/friend/son/daughter/spouse/employee. Families and friends can be left bereft.

Clause 4 – Meaning of behaviour, etc.

Clause 4 sets out what is meant by behaviour for the purpose of the Bill and how it can be carried out. It provides that behaviour includes saying or otherwise communicating something as well as doing something. It includes an intentional failure to do, say, or otherwise communicate something.

This could include, for example, a consistent and deliberate failure to pass on times and dates of appointments or social occasions, a consistent and deliberate failure to feed a family pet or a failure to speak to or communicate with an individual. It also provides that abusive behaviour can include where abuse is carried out with, or through a third party, whether knowingly or not.

Clause 4 also provides for the way in which the behaviour can be carried out, that is behaviour by the accused either directly towards their partner (or a connected person) through another person, third party or property. It is not a requirement that the property must belong to the accused's partner/connected person. It could, for instance, be shared property or property belonging to the parents of their partner/connected person. Property will also include pets or other animals (for example agricultural livestock) whether belonging to the victim or others.

The clause also provides that behaviour directed at a person includes behaviour carried out with or through a third party. This might include, for example, the accused getting another person to spy on or report on the activities of their partner or a connected person. The third party's involvement could possibly be unwitting or unwilling, as they may be entirely unaware that their behaviour was helping the accused to abuse their partner/connected person or they may have been coerced into participating in the abuse.

Extract from Domestic Abuse survivor

In many abusive relationships the perpetrator will recruit individuals to aid the abuse. Triangulation is a term used whereby the abuser will for example compare the victim to other women or men in a case of male abuse and will sometimes draw on these women/men to cement the idea of inadequacy. In particular close friends who may have provided a support system may be targeted and women or male victims may unwittingly be pitted against each other. The abuser is often very credible, charming and believable. The perpetrator often wants to destroy close friendships to completely isolate and control the victim.

A perpetrator often reinforces the victims verbal abuse by telling them how bad and or inadequate they are and give positive attention for example to the recruited friend / colleague / family member. Also aiding the perpetrator to indulge in promiscuity whilst often blaming an exhausted victim and telling them it was all their fault.

A PSNI officer described a recent abuser in my life as a “Manipulator who destroys relationships” which unfortunately is so often the case. I was fortunate to have such a perceptive professional as at the time I could not see and did not understand what was happening to me. I did not believe the extent of the abuse.

Thankfully with the support of the Women’s Advocacy Project I am more aware of healthy friendships and relationships and honour them in my life. It takes a trusted person to help navigate a victim in the aftermath of coercive control. Niamh is empowering, honest and safe, she offers support and encourages positive change. Every victim needs that positive input after the devastation has been realised.

Clause 10 – Behaviour occurring outside the UK (Extra-territorial jurisdiction)

Extract from Domestic Abuse survivor

Perpetrators often purposely plan holidays or excursions so the victim is out of their familiar territory. An extra-territorial jurisdiction is a phenomenal idea. An abusive partner attacked me verbally then physically whilst abroad. I had concerns before I went and they were confirmed.

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

It would be helpful if a detailed record and timeline was kept which would allow police to build up a picture of the pattern that the particular perpetrator used.

Extract for Domestic Abuse survivor:

The police recognising and acting on patterns displayed by the perpetrator would be very welcomed by many victims. I was lucky to encounter two highly skilled police persons in a recent coercive control incident. They were able to pin point and emphasise with myself as a victim of a very genuine and serious crime. I did not feel judged but felt aided and understood. They took the matter most seriously. Which gives me a great hope that with the right training for professionals and victims this horrendous, secretive and confusing crime can be addressed and reduced, empowering individuals.

4. Whether the “reasonable” defence included in the legislation is framed appropriately and the intent on when it would apply is clear

We support the removal of the term “reasonable defence” there is no circumstances in which it is reasonable to justify the use of Domestic Abuse.

Although we understand the use of reasonableness as a defence, we believe that the clause is open to manipulation. Many service users have informed us of times during court hearings where they have been made to look weak and mentally unstable as a defence to the Domestic Abuse they have endured at the hands of their perpetrator. This is not acceptable and such language is dangerous in telling perpetrators that there is any sort of defence to violence or coercive control.

5. Whether the penalties provided for the Bill are appropriate and adequate

Sentencing should reflect the seriousness of the offence.

There is a fear that by placing Domestic Abuse perpetrators in close proximity with each other in prison, it can cause the spread of harmful views and the growth of detrimental views on Domestic Abuse. Positive rehabilitation will not take place in these circumstances.

There is existing disparity between prison sentences presently. This can be seen when some cases are tried in courts with less sentencing powers. It is important that as a society we deal with proven guilty perpetrators in a serious way and the sentence must reflect that and send a clear message that we will not tolerate this behaviour.

In Northern Ireland, we do not prioritise real rehabilitation. There are little options for a perpetrator who wants to put in the work to rehabilitate themselves. Perhaps funding for proven successful means of rehabilitation would provide long lasting positive effects for our communities.

With the introduction of this Bill it is imperative that coercive control carries set out sentencing guidelines and that such cases make it to court and achieve punishment that will act as a deterrent.

Extract from Domestic Abuse Survivor:

Severity of this offence cannot be emphasised enough. The perpetrator is dismantling belief systems, using in effect suggestive brain washing to destroy a human being's psyche. Creating cognitive dissonance often resulting in extreme paranoia, possible agoraphobia due to aggravated shame or fear- based thoughts. The consequences are endless often resulting in suicide attempts due to the hopelessness that is imposed on the victim by the perpetrator.

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

In summary the Women's Advocacy Project call for:

- Clear legislation relating to stalking and coercive control
- Issues surrounding homelessness for anyone fleeing Domestic Abuse
- Appointment of a Domestic Abuse Commissioner
- Providing Employers with guidance on Domestic Abuse and coercive control
- Review of Northern Ireland court system with special emphasis on using children as aggravating factors.
- Scrapping fees for Non-Molestation Orders and the introduction of Domestic Abuse Protection Orders and Domestic Abuse Protection Notices.
- 10 days Domestic Abuse related work leave
- Removal of the term reasonable defence
- Sentencing guidelines for coercive control crimes

This concludes our submission.