

A Visible Force for Change



Women's Resource and Development Agency
Domestic Abuse and Family Proceedings Bill 2020
Justice Committee Evidence Committee

The [Women's Resource and Development Agency](#) (WRDA) is a membership organisation that supports women's groups and networks across Northern Ireland. Our members are a key part of WRDA, they keep us relevant and ensure we are working on the issues which really matter to grass roots women. We keep our members up to date with the latest developments in the wider women's sector and provide them with opportunities to publicise their own work.

We also act as an information hub for the women's sector, while also striving to raise the profile of women's issues in the wider media. WRDA carries out regular policy work and lobbies decision makers on behalf of women. We work to enhance how the women's sector and women on the ground are communicating with all levels of government, ensuring women have their rightful say in the policies affecting them, including any new hate crime legislation.

As part of our vision to make women a visible force for change in Northern Ireland, we are actively lobbying and campaigning on issues that affect women. Despite almost 50 years of equality legislation, women continue to face barriers, we are disadvantaged in economic, political and social life and we are not properly protected from gender-based violence and misogyny.

Through our Women's Sector Lobbyist, we work with politicians, policy makers and influencers to advocate for law and policy that promotes women's rights and equality and for services that meet women's needs. We take a participative, grassroots approach to this work – all women have the right to be involved in decision-making and we aim to amplify the voices of the women who engage with the women's sector.

The Women's Sector Lobbyist is available to any grassroots women's group that wants to learn more about how to lobby and campaign for changes in their community that matter to them as women. WRDA are submitting evidence on the Domestic Abuse and Family Proceedings Bill to the Justice Committee as we have worked extensively over the past number of months with women's organisations, LGBT+ organisations, individual women, minority groups and campaigns to ensure we understood the changes they want to see in our domestic violence legislation in Northern Ireland.

We also provide the secretariat for the [Women's Policy Group](#) which is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. We will, therefore, be submitting both a WRDA response and a Women's Policy Group response. Any questions or queries relating to these responses can be directed to Rachel Powell, Women's Sector Lobbyist, rachel.powell@wrda.net

Both Rachel Powell, Women's Sector Lobbyist, and Elaine Crory, Good Relations Co-Ordinator, are staff members of the Women's Policy Group NI and were involved in writing the Women's Policy Group NI evidence submission to the justice committee. Therefore, WRDA would like to fully endorse the Women's Policy Group response as it is fully in line with the response WRDA would provide as an individual organisation.

This evidence submission will, therefore, support the WPG submission and provide a summary of our views. WRDA recently published a statement on our views on Domestic Violence legislation in Northern Ireland and brief analysis of the Domestic Abuse and Family Proceedings bill. This can be read below:



Briefing on Domestic Violence and Abuse – COVID-19 and Legislative Reforms

April 2020

Introduction:

The Women's Resource and Development Agency welcomes the proposed legislative changes regarding domestic abuse and violence both within the Northern Ireland Assembly and in Westminster Parliament. Activists, women's organisations and support providers have spent many years calling for adequate domestic abuse legislation in Northern Ireland. In the current global pandemic, domestic abuse and violence has sharply increased as many are put at greater risk due to the ongoing government-issued social distancing and lockdown measures. Creating adequate domestic abuse and violence legislation could not be more pertinent than it is right now. Whilst the quick action to introduce Northern Ireland-specific legislation is to be welcomed, this legislation is now over three years old and it is essential that we learn from the lessons in other jurisdictions and ensure that the women's sector are included in the application and implementation of relevant legislation moving forward.

Where are we now?

COVID-19 and Domestic Abuse:

Refuge have reported a 25% increase in calls to their 24-hour national domestic abuse helpline¹ since the lockdown began, while hits to the national domestic abuse website increased by 150% during the initial stages of Covid-19 lockdown. Some further concerns highlighted by Refuge include:

- Ordinarily, the window for women to seek help is extremely limited. During periods of isolation with their perpetrators, this window narrows further,
- Isolation is often used as a tool to abuse – and while the current lockdown has the potential to exacerbate abuse – it is not the reason for it,
- Domestic abuse is a crime and is ultimately rooted in power and control. It is crucial that every woman who needs support knows where and how to access it.

¹ Refuge: <https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abuse-helpline-since-lockdown-measures-began/>

Women's Aid have also shared similar concerns and have stressed that they are still here and still open. Services might look and operate a bit differently at the minute because of COVID but they are still available through different methods of communication.

“Women's Aid is here for all women and children experiencing abuse across Northern Ireland. If you need support or information around domestic abuse you can find your local Women's Aid Group contact information at this link <https://www.womensaidni.org/get-help/local-groups/>”

You can also contact the 24hr Domestic and Sexual Abuse Helpline (managed by NEXUS) on 0808 802 1414. If you are like you are in immediate danger contact the PSNI on 999. If you need to contact the police but are not able to speak you can dial 999 and then 55 and the police will be alerted.”

Northern Ireland Assembly – Domestic Abuse and Family Proceedings Legislation

We welcome the fast action by Minister Long to re-introduce domestic abuse legislation in Northern Ireland on 31st March 2020 (now due for a second reading before the end of April 2020). However, as the [proposed legislation](#) is now over three years old, we strongly support calls made by Women's Aid Northern Ireland for the following key issues to be addressed:

- **Introduction of Coercive Control and Stalking legislation**
- **Non-fatal and fatal strangulation legislation**
- **Recognition of Violence against Women and Girls and gender-based violence**
- **Grant of Secure tenancies in cases of domestic violence and abuse**
- **Review of the court systems in NI including criminal, civil and family courts**
- **Introduce a Domestic Abuse Commissioner**
- **Secure funding for specialised services and a review of tendering and procurement in relation to domestic violence and abuse services**

WRDA also supports the removal of the caveat of “reasonable defence”, as we are concerned with such measures being used as a justification of abuse by defendants through portraying victims of abuse as mentally unstable. Further, victims may suffer from mental health issues caused by abuse, and disabled women, who are already more likely to be victims of domestic abuse, could find themselves being disproportionately impacted by the implications of a “reasonable defence”.

WRDA calls for a cross-departmental approach to implementing this legislation, as certain aspects, such as refuge and secure tenancies, will fall under the remit of other Ministers and NICS departments. Detailed information must also be outlined on the resourcing available to the PSNI, social services, legal professional, PPS etc. to ensure adequate implementation of the legislation. WRDA also calls for the full involvement of the women's sector, particularly in the drafting and implementation of any future Miscellaneous Bill to address issues not covered in the above legislation.

In order to make domestic violence legislation operational and reflective of the needs and realities of women in Northern Ireland, full consultation and communication with the sector is essential. As a regional organisation representing a wide range of the women's sector and women in NI, we

look forward to working with public representatives, department officials and ministers in the coming months on both the above legislation and any related legislation to follow.

House of Commons – Domestic Abuse Bill

The second reading of the [Westminster Domestic Abuse Bill](#) 2019-21 is due to take place on Tuesday 28th April 2020. In light of this, there are several issues that need to be addressed relating to the bill and to Northern Ireland. WRDA supports the views of Women's Aid and other organisations that the proposed Domestic Abuse Bill has the potential to create major change nationally in relation to domestic violence and abuse². This bill was introduced with the intention of creating stronger provisions for challenging domestic violence and abuse in England and Wales. In doing this, the aim of the bill is to fulfil the UK's international obligations to combat violence against women and domestic violence as a signatory of the [Istanbul Convention](#).

There are some gaps between this bill and the Northern Ireland bill, as certain protections afforded elsewhere in the UK through the bill do not apply to women in Northern Ireland.

These gaps include:

- **Provide guidelines to employers on recognising the signs of abusive behaviour**
- **Introduction of a Domestic Abuse Commissioner (already in post for England and Wales)**
- **Powers to deal with domestic abuse:**
 - **Introduction of domestic abuse protection order**
 - **Introduction of domestic abuse protection notice**
- **Grant of secure tenancies in cases of domestic violence**
- **Safer family court and child contact system**

WRDA support the view of the Women's Aid Federation Northern Ireland that '*women experiencing domestic violence and abuse should have equal protections across the UK, their geographic location should not impact their recourse to justice*³'. We ask that all elected representatives and political parties in Northern Ireland make themselves aware of the provisions in each bill to ensure women in Northern Ireland have the equivalency of services and do not have less rights than their mainland-UK counterparts.

We welcome these movements to create stronger domestic abuse bills across the UK, however, the Northern Ireland legislation should not be a diluted version of the GB bill, nor can the UK government leave Northern Ireland out of their effort to comply with the Istanbul Convention. We need the equal protection of victims and survivors across all of the UK.

² Women's Aid: <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/campaign-with-us/domestic-abuse-bill/>

³ Women's Aid Federation Northern Ireland: <https://www.womensaidni.org/call-to-action-the-domestic-abuse-bill/>

Domestic Violence as a Workplace Issue

Domestic abuse affects job performance, and therefore, job prospects and financial security. This can be heightened when both the victim and perpetrator work in the same organisation. Many organisations over the years have expressed a willingness to support victims in the workplace, however, government support is needed to ensure this can happen. We support calls from Unison and other Trade Unions to have measures introduced to also see domestic violence as work issue. We support calls from unison to:

- **Provide guidelines to employers on recognising the signs of abusive behaviour**
- **Guidance on identifying links between abusive behaviour and a perpetrator's role at work**
- **Create workplace policies on domestic violence**
- **Consider domestic abuse as a form of discrimination affecting workers' employment conditions and income**
- **Introduce paid leave for those experiencing domestic abuse**

Safe Housing – Housing Selection Scheme Review

Given the current lockdown, and the shortage in safe housing and refuge for victims, WRDA supports the call for [greater funding](#) to be allocated to Women's Aid Federation Northern Ireland in providing refuge to victims. It is also worth considering the 2017 Housing Selection Scheme (HSS) review. Many recommendations were made around the controversial 'intimidation points' mechanism, although the Executive collapsed and this review has not since been acted on.

WRDA believes it is worth considering recommendations made by [Housing Rights](#) in the HSS review in 2017 in relation to intimidation points and domestic violence. Specifically, Housing Rights partly agreed with the removal of intimidation points from the HSS, but only if alternative safeguards were put in place⁴. The existing points system does not adequately account for victims of domestic violence as victims received a low number of intimidation points compared to other crimes such as sectarian hate crimes. We support the view of Housing Rights that it would be appropriate to consider a separate award of "trauma" that would encompass domestic violence.

In summary, the support services provided by Women's Aid Federation NI to victims of domestic violence are invaluable. Further funding should be provided to deal with the rise in domestic violence throughout this pandemic to ensure women who are victims of domestic violence can access refuge. In the longer-term, it is crucial that a cross-departmental approach is taken, in consultation with the women's sector, to ensure the trauma victims have faced is recognised and that women are able to access safe housing.

⁴ Housing Rights HSS Review Consultation Response, 2017, pp.27-29:
https://www.housingrights.org.uk/sites/default/files/policydocs/Housing%20Rights%20Response%20to%20DfC%20Consultation%20on%20Proposals%20for%20Fundamental%20Review%20of%20Social%20Housing%20Allocations_0.pdf

WRDA Summary to Justice Committee Questions:

- 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.**
- 2. The definition of the offence and the definition of abusive behaviour**
- 3. Any identified issues regarding the investigation and prosecution of the new offence**
- 4. Whether the ‘reasonable’ defence included in the legislation is framed appropriately and the intent of when it would apply is clear**
- 5. Whether the penalties provided for in the Bill are appropriate and adequate**
- 6. 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**

A significant proportion of the evidence presented in the WPG NI submission involves a range of legislative and non-legislative approaches that are absent from the legislation at hand, alongside comments on areas of the legislation that are welcomed. WRDA would like to reiterate all of the evidence, reasoning and recommendations provided by WPG NI to the above questions set out by the Justice Committee.

A summary of these include:

- The need to remove Clause 12 ‘reasonable defence’,**
- Introduction of stalking legislation,**

- **Introduction of non-fatal and fatal strangulation legislation,**
- **Specific recognition of Violence against Women and Girls and gender-based violence,**
- **Grant of Secure tenancies in cases of domestic violence and abuse,**
- **Review of the court systems in NI including criminal, civil and family courts,**
- **Introduction of a Domestic Abuse Commissioner,**
- **Secure funding for specialised services and a review of tendering and procurement in relation to domestic violence and abuse services,**
- **Provide guidelines to employers on recognising the signs of abusive behaviour,**
- **Introduction of paid Domestic Violence Leave,**
- **Powers to deal with domestic abuse:**
 - **Introduction of domestic abuse protection orders,**
 - **Introduction of domestic abuse protection notices,**
- **Safer family court and child contact system**
- **Tackling heteronormative assumptions and increasing awareness of domestic violence in the context of LGBT+ relationships,**
- **Providing refuge for LGBT+ people,**
- **Robust recording of section 75 group victims and providing resources for specific support for each group,**
- **Wider education campaign and significant resourcing needed,**

- **Recognition of disproportionate impact on rural women, areas of paramilitary control, migrant women, LGBT+ groups, disabled people etc.,**
- **Creation of domestic violence register to track evidence of abuse in different areas,**
- **Addressing re-offending – highlighting the lack of a framework of prevention, rehabilitation and restorative justice in NI,**
- **Guidelines for sentencing for coercive control,**
- **Guidelines for measuring non-physical harm**
- **Ensuring victim statements cannot be used against victims by prosecutors**
- **Creating secure tenancies and recognising differing needs of minority groups for example disabled women, trans communities, rural women, migrant women**
- **Guarantees that women with uncertain immigration status should be able to seek justice without their cases being reported to the Home Office**
- **Addressing Bail Conditions vs. Non-Molestation Orders**
- **Mandatory Training and Codes of Practice**
- **Children and Domestic Violence**
- **Creating an inter-departmental approach of co-design with the third sector**

WRDA stresses the need for a cross-departmental approach to implementing this legislation, as certain aspects, such as refuge, secure tenancies, trauma support, educational programmes, rural support etc. will fall under the remit of other Ministers and NICS departments. All departments must work effectively together to avoid taking a siloed approach. Detailed information must also be outlined on the resourcing available to the PSNI, social services, legal professional, PPS etc. to ensure adequate implementation of the legislation. WRDA also calls for the full involvement of the women's sector, particularly in the drafting and implementation of any future Miscellaneous Bill to address issues not covered in the above legislation.

In order to make domestic violence legislation operational and reflective of the needs and realities of women in Northern Ireland, full consultation and communication with the third sector is essential. This includes, but is not limited to, co-design with the women's, LGBT+, migrant, rural, disability, children's, human rights and trade union sectors. WRDA is an organisation with broad membership and close working relationships and collaboration with a large number of women's organisations and campaigns. WRDA is a partner of the Raise Your Voice project against sexual harassment and abuse and also the secretariat of the WPG NI. The WPG is a group with membership that represents a wide range of the women's sector alongside the LGBT+ sector, human rights organisation, trade unions and NGOs. We look forward to working with public representatives, department officials and ministers in the coming months on both the above legislation and any related legislation to follow.

Closing remarks:

WRDA would welcome the opportunity to present evidence directly to the Justice Committee on the content included in this submission and the WPG NI submission. For any questions or queries regarding this submission, or to arrange the presentation of this evidence, please contact Rachel Powell, Women's Sector Lobbyist, Women's Resource and Development Agency, rachel.powell@wrda.net.

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