



Federation Northern Ireland

The Northern Ireland Assembly

Written Submission to the Committee for Justice: Inquiry into the Criminal Justice Services Available to Victims & Witnesses of Crime in Northern Ireland

December 2011

Women's Aid Federation Northern Ireland
129 University Street
BELFAST BT7 1HP

Tel: 02890 249041

Fax: 02890 239296

General Email: info@womensaidni.org

Website: www.womensaidni.org

24 Hour Domestic Violence Helpline - 0800 917 1414

Core Work of Women's Aid: Background Information & Statistics

1.0 Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

2.0 Core Work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the 10 local Women's Aid groups is:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.
- To run preventative education programmes in schools and other settings.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a joined up response to domestic violence.

3.0 Women's Aid Statistics (2010 - 2011)

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1058 women and 754 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 3,450 women and 3,739 children accessed the Floating Support service enabling women to access support whilst remaining in their own homes and communities.
- Move-on houses for women and children leaving refuges.
- In 2010/11 the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence, managed 38,296 calls. This represented an increase of 18% on 2009/10.

4.0 Additional Women's Aid Statistical Data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 14,714 women and 14,356 children and young people.
- During the last 16 years Women's Aid Federation Northern Ireland managed 282,860 calls to the 24 Hour Domestic Violence Helpline.

5.0 Statistics: Domestic Violence & Violence Against Women

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”;
- The joint NIO, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 76% of adult victims of domestic crimes recorded by the PSNI in 2010/11 were female.*
- Over 30% of all domestic violence starts during pregnancy. **

6.0 Domestic Violence: Crime Statistics

- Domestic Violence is a crime. PSNI statistics for 2010/11 indicate that there were more recorded crimes with a domestic motivation (9,546) than the combined total of all the following crimes (9,471). These include all recorded sexual offences (2,120), robbery (622), armed robbery (562), hijacking (122), theft or unauthorised taking of a motor vehicle (2719), arson (1884) dangerous driving (699), handling stolen goods (194) and offences under anti-terrorism legislation (19).
- PSNI Statistics for 10/11 indicate that they responded to a domestic incident every 23 minutes of every day of the year.
- The total of 9,546 crimes with a domestic motivation in 10/11 represents an average of approximately 1 domestic crime every 60 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 10/11 total 20. Those classed as having a domestic motivation total 7. Therefore, 35% of all murders in Northern Ireland in 10/11 had a domestic motivation.
- There were 550 rapes (including attempted Rapes) in Northern Ireland in the period 2010/11.

(Source: PSNI Statistics 2010/11)

- Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.
- Violence Against Women is not limited to domestic violence, it includes amongst other crimes murder, rape, sexual assault, sexual exploitation, trafficking, sexual stalking and sexual harassment.

(*Findings from the PSNI Crime Statistics Report 2010/11 N.B. "Adult" defined as aged 18 and over)

(** Women's Aid Federation NI)

7.0. Comments

7.1 Women's Aid Federation NI welcomes the opportunity to assist the Committee for Justice in their inquiry into the Criminal Justice Services available to victims and witnesses of crime in Northern Ireland. The following comments reflect the collective views of our ten local groups and are structured in accordance with the Terms of Reference of the Inquiry.

8.0. The Effectiveness of the Current Approach and Services provided by Criminal Justice Agencies to victims and witnesses of crime

8.1 Our organisation's views on the effectiveness of the current approach and services provided by Criminal Justice Agencies to victims and witnesses of crime are based upon more than three decades supporting women and children who have experienced domestic violence and is a reflection of their and our interactions with the criminal justice system in Northern Ireland.

8.2 Women's Aid would wish to preface our comments by acknowledging a number of positive developments in recent years in respect of the overall approach and services afforded to victims and witnesses. In particular the introduction of Multi Agency Risk Assessment Conferences (MARAC) for high risk victims of domestic violence, the Justice Act 2011, which facilitated the introduction of vital provisions including the assistance to vulnerable and intimidated witnesses to give best evidence in court and the publication of a Code of Practice for Victims of Crime, although we are disappointed that the Code is not on a Statutory footing.

8.3 We would however suggest that a number of these initiatives including the creation of a "walk through" website for victims and witnesses should be more widely publicised and where necessary any additional training requirements for agency staff, should be urgently addressed. Similarly, our local Women's Aid groups have reported that in some cases important initiatives, including the Dedicated Domestic Violence Prosecutors Network, lack a clear process of outreach and engagement with organisations such as our own across all areas of Northern Ireland.

8.4 We share with our colleagues in Victim Support NI, a number of concerns in respect of the Northern Ireland Victim and Witness Survey (NIVAWS), which is one measure utilised by Government to gauge the effectiveness of the criminal justice system.

8.5 The survey was introduced to perform two important functions, specifically to monitor progress against the actions outlined in the "Bridging the Gap" strategic document designed to address the needs of victims and witnesses of crime in Northern Ireland and to make the link with service delivery and additionally, to monitor performance against the key performance indicator

(KPI) which was outlined in the “Justice for All Agreement”, namely, “To increase the proportion of victims and witnesses who are satisfied with the contact they have with the criminal justice system.”

- 8.6 We note that for the year 2010-11, the satisfaction rate received for this KPI was 71%, which exceeded the target satisfaction level set by the Department of Justice for this period. However, it is a source of considerable concern to Women’s Aid that a number of categories of crime that are ineligible for inclusion within the survey.
- 8.7 These offences include domestic violence and sexual offences as well as crimes which involve a fatality. Whilst we agree with Victim Support NI that it is not appropriate to capture the experiences of victims of these crimes using a cold call telephone survey, the failure to listen to and to record their experiences represents a serious omission in our view.
- 8.8 Women’s Aid would strongly recommend to the Committee that potentially appropriate methodologies for recording the experiences of these victims, in a sensitive manner should be fully explored. Our organisation would welcome the opportunity to engage further on this matter.
- 8.9 We would also wish to join with Victim Support NI in bringing to the Committee’s attention that the satisfaction rate for victims (who are the injured party) has been considerably lower than that recorded for witnesses (who have observed a crime) since recording began in 2008. The latest publication of NIVAWS indicates victim satisfaction was 64% whereas witness satisfaction was 77%. This should be borne in mind as the satisfaction rate used to measure the Department’s KPI is an average of the two separate rates, the most recent figure being 71%.
- 8.10 This overall satisfaction level is an indicator of the collective level of satisfaction of the contact victims and witnesses have had with the criminal justice system as a whole. It is therefore not possible to glean further information in terms of the level of satisfaction with individual criminal justice organisations and agencies. It is the view of Women’s Aid and our professional experience that the standard of service provided to victims and witnesses of crime varies from agency to agency as individuals travel through the system.
- 8.11 Women’s Aid recommends that each criminal justice organisation should have a separate target of victim and witness satisfaction and share that view that there needs to be a more systematic and consistent collation of the experiences of victims and witnesses across every stage of the criminal justice system. Women’s Aid believes this should be recognised as a key measure of the quality of the criminal justice system in Northern Ireland.

- 8.12 We are also of the view that there is a pressing need for more Northern Ireland based research into victims' and witnesses' experiences. Similarly we continue to strongly advocate for systems to be put in place to accurately record repeat victimisation and patterns of offending, particularly in respect of crimes such as domestic violence.
- 8.13 It is in this context that our organisation is deeply concerned to learn that the budget for the NIVAWS survey for the next year has been withdrawn. It is essential in our opinion, that an alternative method of capturing the experience of victims and witnesses is introduced as a matter of priority.
- 8.14 Women's Aid considers that it is vital that best practice is established in respect of victims and witnesses and that a consistent approach is adopted both in terms of policy and practice across all agencies. For example, the embedding of Women's Aid workers in five Public Protection Units has proven to be very beneficial and represents good practice and as such should be rolled out across Northern Ireland. We remain concerned that there continues to be a geographical lottery in respect of these vital services.
- 8.15 Similarly, whilst many of the women who use our services report positive engagement with representatives from criminal justice agencies, too often they continue to encounter staff that lack sensitivity and can be dismissive or confused in respect of the most appropriate support services available.
- 8.16 The importance of these interactions cannot be underestimated. Harsh and insensitive treatment and inaccurate, confusing or delayed information can result in victims and witnesses feeling exhausted and frustrated. It is also undoubtedly a contributory factor to the rates of attrition in the criminal justice system, with individuals choosing to withdraw from the process. It can additionally contribute to a sense of having been re-victimised. There is also a pressing need for the establishment of clear and concise communications protocols within the criminal justice system as all too often there appears to be considerable confusion as to whose responsibility it is to communicate important information and decisions to the victim.
- 8.17 Whilst recognising the importance for agencies to have autonomy and independence a victim or witness trying to navigate their way through this system can find it extremely difficult and complex. Indeed, this would be an unreasonable expectation to place on a victim or witness. Therefore, Women's Aid believes that there should be a 'care pathway' for all individuals travelling through the criminal justice system. An important aspect of which would be the provision of individually tailored support and advocacy through the early and on-going identification of individual need. However, we agree that such a service will only be of benefit to victims and witnesses if the organisations provide timely, relevant and accessible information.

8.18 Further, we believe that to truly gain an accurate picture of how the system is performing, services should be viewed from those approaching the system rather than those who live within it and that this perspective must be embedded into any review or evaluation of services.

9.0 Identify the key issues impacting on the experiences of victims and witnesses of crime of the criminal justice system and any gaps in the services provided

9.1 Women's Aid fully supports the view that every victim of crime is an individual and as such their care and support should be tailored to meet their needs.

9.2 There are however a number of similarities in respect of the concerns expressed by women using our services. One of the key issues consistently raised is the position, status and dignity of the victim in the overall process.

9.3 Often they feel subsumed by the criminal justice system, rather than being an active participant. This is frequently compounded by the lack of timely and accurate information and feedback being supplied to them.

9.4 Additionally, there can be an assumption that a victim and/or witness is able to recognise and understand the key components of the criminal justice system. This is not always the case. In addition to those who face the challenges of a learning disability, we have provided support to women, who have not understood the basic roles and functions of the Public Prosecution Service for example.

9.5 Others have reported being confused by the use of legal terminologies and the failure to fully and clearly explain decisions. Women also frequently report a sense of exhaustion resulting from the strain of having to navigate what is an extremely complex system which is beset with delays many of which would appear to be avoidable.

9.6 We believe that all communication with victims of crime should be done in a way which is personable and tailored to the individual's level of literacy, language and capacity to understand. We also believe individuals should be afforded the opportunity to ask for clarification and receive this clarification in a reasonable amount of time. We believe that communicating in this way could reduce the amount of time and money spent on follow up correspondence.

9.7 Women's Aid would contend that there is considerable merit in formally and legally recognising the status of the victim in criminal proceedings and ensuring that specific rights and entitlements follow from this.

9.8 In keeping with Victim Support NI, Women's Aid believes that the provision of special measures for vulnerable or intimidated individuals falls under the

theme of key issues impacting on the experiences of victims and witnesses of crime. We further share the view that there is a general lack of awareness surrounding special measures provisions for example their eligibility, usage and who is responsible for applying on behalf of the vulnerable or intimidated individual. We also believe it is essential that victims and witnesses are afforded the assistance they require in order for them to give their best evidence in a manner that causes them the least distress.

10.0 Consider what priorities and actions need to be taken to improve the services provided to victims and witnesses of crime

- 10.1 Women's Aid would wish to associate ourselves with the following observations and comments by Victim Support NI specifically, the belief that the overall goal should be to ameliorate the effect crime on the individual. This includes individually tailored support for the victim as they travel through the criminal Justice system. They should be afforded all necessary consideration to ensure they are equipped to give their best evidence.
- 10.2 Our organisation agrees that a key priority is the monitoring of the actual experiences of victims and witnesses and that change should be made to the criminal justice system on an on-going basis based on these experiences.
- 10.3 Further, each organisation should demonstrate year on year, their commitment to improving the experience of victims and witnesses.
- 10.4 Each organisation should be committed to causing no further harm to individuals affected by crime. This should become integral to their core business and be demonstrated through its inclusion in their strategic and business plans and through their leadership. Overall however the benefit will be achieved not from 'add on' policies and procedures but through a change in attitude, demonstrated through behaviour.
- 10.5 We support the belief that the minimum requirement should be that the criminal justice system does not add to the harm already caused by the crime itself.
- 10.6 We share with Victim Support NI, the belief that victims should be afforded better support and information from their initial contact with the system to when this ends.
- 10.7 Women's Aid supports the introduction of Independent Domestic Violence Advisors (IDVAs) and of Independent Sexual Violence Advisors (ISVAs) and sees this as a positive development in the support available to victims of domestic and sexual violence in Northern Ireland.
- 10.8 It is also our organisations experience from working with women and children who have and are experiencing domestic violence that there should be more

support and effort made within the system to establish an accurate picture of attrition. Another priority would be an effort to address the issues which lead to attrition within the criminal justice system.

10.9 We are also of the view that delays between the incident and the trial is a major priority and we welcome the efforts being made presently to tackle this. We understand that the length of time from crime to trial is longer on average in Northern Ireland than in England and Wales.

10.11 Women's Aid welcomes plans to introduce the Sexual Assault Referral Centre (SARC) and this provides the perfect opportunity to plan from the perspective of the needs of victims of crime. However we also believe that the SARC must include planned community services, in consultation with existing organisations, if victims of sexual violence are to be provided with the information and support they need.

10.12 Additionally, we are concerned by the potential travel implications and possible delays which may be caused by the location of the SARC and would request that this be monitored closely going forward.

10.12 We are also concerned that our staff report that Victim Impact Statements are seldom taken in cases involving domestic violence. These statements should be taken as a matter of routine.

11.0 Identify and analyse alternative approaches and models of good practice in other jurisdictions in terms of policy interventions and programmes

11.1 Women's Aid would wish to draw the Committee's attention to the excellent work being carried out by the Specialist Domestic Violence Court in Glasgow, Scotland as a model of best practice which could be adapted and adopted in Northern Ireland.

11.2 Our organisation would also wish to highlight the process of engagement with citizens which the Department of Justice and Equality in the Republic of Ireland adopted when developing its *White Paper on Crime*.¹ This White Paper aims to provide an overall high level statement of Government policy and to provide a framework for policies to prevent and combat crime. The Department consulted widely on this paper, holding public meetings with specific stakeholder groups, for example victims, older citizens, young people and ex-offenders.

¹ The Department of Justice and Equality White Paper on Crime Process:
http://www.justice.ie/en/JELR/Pages/White_Paper_on_Crime

11.3 Women's Aid would also commend to the Committee the use of forensically trained nurses in the Republic of Ireland, who are able to come to a victim's home if necessary. This is particularly helpful in cases of sexual violence.

12.0 Conclusion

12.0 Women's Aid strongly believes that the care and support of victims and witnesses of crime must be a central component of the criminal justice system in Northern Ireland. Victims must be afforded the dignity and respect they deserve and should be accorded fundamental rights which allow them to progress through the system in a manner which avoids compounding the trauma they have already experienced and enhances their ability to give best evidence.

For further information about this response contact:

Annie Campbell
Director
Women's Aid Federation Northern Ireland
129 University Street
BELFAST
BT7 1HP
Tel: 028 9024 9041

Website: www.womensaidni.org

24 Hour Domestic Violence Helpline - 0800 917 1414
open to anyone affected by domestic violence