

Committee for Justice
Domestic Abuse and Family Proceedings Bill – Committee Stage
Record of Discussions with Individuals at Informal Meetings
Informal Meeting 18 September 2020 – Foyle Women's Aid Voice Group

Members present: Linda Dillon MLA, Deputy Chairperson
Emma Rogan MLA

In Attendance: Kathy O'Hanlon, Senior Assistant Clerk
Leanne Johnston, Clerical Supervisor

Introduction

The Deputy Chairperson, Ms Dillon MLA, and Ms Rogan MLA met with Individual F, Individual G, Individual H and Individual I from Foyle Women's Aid Voices Group to discuss issues relating to the Domestic Abuse and Family Proceedings Bill.

Individual F gave an overview of the work of the Group which provides support to and a voice for victims and survivors of domestic abuse. The Group represents survivors and works to raise awareness of domestic abuse and violence, including at international conferences and among professionals, as many services are run by those who have not had any personal experience of domestic abuse. The Group believes that this legislation is long overdue and welcome its introduction.

Individual F, Individual G, Individual H and Individual I each described their personal experience of domestic abuse, which have informed their views and their work with the Group.

Key issues raised:

- Provision of court facilities to make the victim more comfortable - victims still have to interact with their abuser which can be distressing
- Abusers using the legal system to continue using their controlling behaviour to keep trauma going for victims and their children
- Perpetrators use the concept of parental alienation to manipulate the situation against the mother and extend abuse. It is premature to include parental alienation in the Bill, there needs to be greater understanding of what it actually is, what the unintended consequences could be and greater education on these issues.
- Legal Aid is often exploited by perpetrators to use the legal system to exert control and prolong trauma and abuse for victims and children. This is also financial abuse, as many are working mothers who are not eligible for legal

aid; not only are they therefore liable for costs but they may also lose pay when they need to take time off work to attend court hearings etc.

- The overwhelming instances of domestic abuse are directed towards women and it is important for gender to be considered
- Sentencing was raised and the Group stated that most victims are disheartened with the current legislation. One member of the group described how she had contacted the police on a few occasions but was discouraged from pressing charges as it was basically her word against his. This actively minimised what she suffered. Furthermore, when he went to court in respect of one of the incidents, none of the previous incidents were taken into account.
- There are concerns about the lack of coordination between the criminal and family courts. One member advised that, when her case was proceeding through the criminal court, she was unable to get her child added to a protective order and was told that was a matter for the family court.
- Concern was also raised about the lack of contact between prosecutors and victims. One member detailed how she had not been contacted by the prosecutor and they did not discuss her statement with her until the day of the hearing and was not prepared for cross-examination. In the meantime, the perpetrator had had months to prepare his defence strategy with his legal team.
- It is a mistake to ignore the relevance between stalking and coercive control.
- It often feels like the victim of the crime is the person on trial.
- Training of key organisations should be mandatory for domestic abuse/coercive control. The group believe that the issue of emotional abuse and coercive control is particularly important as it generally is the first form of abuse and a forerunner to physical abuse. Organisations need to be well trained to identify this and support victims. Training should be mandatory, cohesive and ongoing.

Deputy Chairperson's comments

The Deputy Chairperson advised that she is minded not to support the inclusion of parental alienation as an offence in the Bill for a number of reasons, including that it means different things to different people and the potential for there to be unintended consequences.

The Deputy Chairperson advised that given the scope of the Bill adding gender specific definition would be difficult as it also covers familial relationships, but confirmed that some members of the Committee have raised the need for a specific violence and sexual abuse strategy for women and girls.

The Deputy Chairperson outlined her view that there needs to be a more joined-up approach between the criminal courts and the family courts.

The issue of training for key organisations was discussed and the Deputy Chairperson outlined some potential difficulties with defining specific training in legislation, but stressed that the Committee is aware of the importance of training in respect of this legislation. She also advised that consideration is being given as to how reporting mechanisms could be put in place to review the operation and effectiveness of the legislation, report and make recommendations.

The Deputy Chairperson advised that a child may be viewed as an aggravating factor where they either have been used as a tool in the abuse or have been present during an incident of domestic abuse (whether aware of it or not).

A Sentencing Review is being carried out by the Department of Justice. The Deputy Chairperson advised that the issue of previous instances of domestic abuse not being taken into account is a valid point and one that she believes the Committee may want to look at further.

The Deputy Chairperson highlighted that education is key and that behaviour should be looked at from a younger age.

Additional comments received from participants after the informal meeting are appended to the meeting notes.

- Individual F

I would ask the committee to reconsider the decision not to include a gender-based definition of Domestic Violence within the legislation. It is well documented that DV disproportionately affects women and children. The wider issues of gender inequality within society enables and perpetuates the abuse of women. I believe that English and Welsh legislation does not note this as a gendered issue. Lack of clarity within the legislation could have consequences for specialist services designed to help women and children. Additionally, failure to recognise the specific nature of this crime (coercive control) could negatively impact on the effectiveness of training and its implementation.

I fear it is a mistake not to appoint an independent Domestic Abuse Commissioner. It was agreed by members of the committee that ongoing reviews of Training and practice would be vital to the success of this new legislation, however, there is no mention of who would be responsible for ensuring best practice and ongoing accountability. I would urge the committee to reconsider this decision at the risk of rendering the legislation unfit for purpose.

- Individual H

Stalking is a major aspect of coercive control - it is the most dramatic form of tracking and the most common behavioural component of coercive control next to assault. DV stalkers are most likely to be violent. 1 in 2 stalkers will make a threat and then act on it.

To illustrate the consequences of stalking I would like to share with you my experience:

At the age of 21, I escaped the abusive nightmare I had endured for 3 years and moved home to my mother's house with my 6-month-old baby.

A few weeks after being home, the front door lock was mysteriously damaged.

My mother's usual morning routine involves getting up at around 08:00, making a cup of tea and going straight out the back for a cigarette. About a week after the damaged lock, my ex-partner appeared at the back door, at around 8 o'clock. He put his hands around my mother's neck and squeezed it as he walked her back into the house. He then put her to the floor and continued to strangle her. I heard commotion from upstairs and when I saw it was him, he looked at me, and looked at my mother, and left.

My mother and I both feel that he attacked her in a bid to get at me. This attack was premeditated because he had been monitoring our house, and it was probably him who had damaged the lock on the door. He is due out of prison in a few months (12 year sentence) and I am terrified of being stalked again, or worse, one of my family members.

These are the types of people who are offenders of this bill!

The micromanagement that stalkers thrive off is all linked to coercive control, so I strongly urge the committee to reconsider the failure of including stalking in this coercive control legislation.

Victims – who the bill is designed to protect – find it extremely concerning that the issue of stalking has not been included in this bill and that failure to do so will not fully protect the victim.

- Individual I's additional comments;

As a survivor of domestic abuse, I am pleased that a sentencing review is being carried out by the Department of Justice.

In my experience of going through the justice system, I felt the sentences were too lenient and no justice or closure happened for me. So, if this review makes a difference to other victims coming through the justice system, then I am in total agreement. It has been a long time coming.

In addition to my own personal experience in court, I have sat with other survivors of abuse in my role as a court support volunteer with Foyle Women's Aid. I have seen women disheartened and feeling let down by what they saw as lenient sentences. 'They will say what's the point? They will always get away with it.'

In my case I lived a life sentence of 32 years and was left with a severed artery. It went to court and the result was an 18 months sentence suspended for three years. I, as the victim, felt sick and victimised all over again.

So, if not for me, this review is crucial for all future victims of abuse. It is something I have campaigned for over the years, so I hope and pray something positive will come out of this. The sentences have to be a deterrent and send out a clear message that abuse, physical or psychological is a crime.

During my thirty two year abusive marriage, I lived with coercive control every day. Expert Evan Stark likened coercive control to being taken hostage. This I can totally relate to. I am free now others, unfortunately, are not.