



Federation Northern Ireland

RESPONSE TO

Northern Ireland Law Commission

Consultation on First Programme of Law Reform

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24 Hour Domestic Violence Helpline - 0800 917 1414

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.

Women's Aid services across Northern Ireland include:

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1102 women and 896 children sought refuge in 2007 - 2008
- 12 resource centres for women seeking information and support; group work and training.
- 24 Hour Domestic Violence Helpline 0800 917 1414
- Move-on houses for women and children leaving refuges.
- Floating Support for women staying at home.
- Training on domestic violence and related issues.
- Inter-agency work across Northern Ireland.
- Young Person's Development Project

The following response is based on consultation with Women's Aid Federation Northern Ireland and our ten local Women's Aid groups. The term Women's Aid refers to the Federation and the local groups.

Women's Aid welcomes the publication of this consultation on the First Programme of Law Reform and the opportunity to comment upon it.

1. DOMESTIC VIOLENCE

Domestic violence is one form of 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”;
- Women are not passive victims of domestic violence. With support women have the capacity to cope with and survive the violence and abuse they experience.
- Domestic Violence is a crime. PSNI statistics for 2007/08 indicate that there were more recorded crimes with a domestic motivation (9,283) than the combined total of all the following crimes (9,254). These include all recorded sexual offences

(1,822), robbery (607), armed robbery (444), hijacking (92), theft or unauthorised taking of a motor vehicle (3,336), arson (2,244) dangerous driving (513), handling stolen goods (191) and offences under anti-terrorism legislation (5).

- PSNI Statistics for 07/08 indicate that they responded to a domestic incident every 23 minutes of every day of the year.
- There were 382 rapes in Northern Ireland in the period 2007/08, 38 attempted rapes and 317 indecent assaults on a female.
- The number of all recorded offences of murder in Northern Ireland in 07/08 total 25. Those classed as having a domestic motivation total 11. Therefore, 44% of all murders in Northern Ireland in 07/08 had a domestic motivation.
- The joint NIO, DHSSPS Strategy for tackling Domestic Violence and abuse in Northern Ireland, "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.

2. Core Work of Women's Aid

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

- To provide refuge accommodation to women and their children.
- 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 educate and inform the public, media, 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.

Comments:

In respect of the specific project proposals outlined in the consultation document, Women's Aid Federation NI welcomes the proposed projects 2 and 3, namely the law relating to bail and vulnerable witnesses in civil cases. We also wish to recommend an additional project which we feel would address key gaps in the

existing legal framework whilst fulfilling the terms of the project selection criteria outlined in the consultation document.

Project Two: The Law Relating to Bail

- Women's Aid Federation welcomes the proposed project examining the law relating to bail. We agree that this is an area of law in need of urgent review given its vital function within the criminal justice system.
- The project is also timely in light of recent NIO proposals in respect of new Public Protection Arrangements for Northern Ireland and risk assessment procedures for violent, potentially violent and sex offenders.
- It is a matter of considerable concern to us that there is currently no legislation in place in Northern Ireland which codifies the law in relation to bail. Furthermore the failure to define the specific criteria governing decisions on bail, is in our view, contrary to the interests and needs of domestic violence victims and their children as well as the wider public.
- In particular we are concerned that in the absence of specific governing criteria, decisions on bail have frequently appeared inconsistent and focused on the individual rights of the offender rather than those of the victim.
- We welcome the recent opportunity afforded to a number of local Women's Aid groups and the women who use their services, to contribute to this project and to discuss their experiences of bail conditions set for domestic violence perpetrators. We trust that their remarks and experiences will positively inform the process.

Project Three: Vulnerable Witnesses in Civil Cases

- Women's Aid strongly supports the proposal to examine the law relating to vulnerable witnesses in civil law cases.
- Specifically we welcome the recognition contained in the consultation document, of the trauma experienced by individuals, particularly victims of domestic violence, during civil litigation proceedings.
- As such, we support the proposed examination of the viability of extending the levels of protection afforded to witnesses in criminal cases, to those vulnerable witnesses involved in civil proceedings. Indeed we feel that the lack of such protection is unacceptable.

- In respect of civil cases, in particular Family Court proceedings, it is a matter of grave concern to Women's Aid that such protection is not automatically available. Our own observations and the reported experience of many women who have used our services, show clearly that the necessity to give evidence in person, before an open court and in an adversarial environment, has frequently been used by domestic violence perpetrators to further victimise or intimidate their former partners.
- Domestic violence perpetrators create and thrive in an atmosphere of fear and control. Further victimisation can take the form of overt violence, threats or threatening behaviour but can equally manifest in more subtle forms, such as the use of body-language or eye contact which is recognised by the victim as threatening or intimidatory.
- We strongly believe that women who have experienced domestic violence must be afforded the opportunity to give evidence before the court in a manner which allows them to do so in an atmosphere free from trauma, fear or intimidation and in which they can bear witness to their experiences whilst retaining their personal dignity and security.

Further recommendation:

Women's Aid would also like to recommend that the Law Commission consider implementing a project designed to explore the full range of current legislation and sanctions concerning domestic violence and the wider issue of violence against women in Northern Ireland. It is our view that such a project or projects would fulfil a number of the criteria for project selection outlined in the consultation document, particularly in respect of points 1 and 2 on importance and suitability.

Women's Aid is concerned that because no specific criminal offence of domestic violence currently exists the full extent and specific nature of the offence of domestic violence is not being recognised or recorded; we would appreciate the opportunity to contribute to a review of the relevant legislation with a view to reforming it and making it fit for purpose.

We recommend that the Law Commission adopt this as an additional project for this first programme or begins preliminary explorations of the matter with a view to adopting it in the second programme of law reform.

For further information about this response contact:

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