



## Department of Justice

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# Consultation on a Sentencing Guidelines Mechanism

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## January 2011

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24 Hour Domestic Violence Helpline - 0800 917 1414

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## **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 (2009 - 2010)**

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1077 women and 854 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 2,938 women and 3,617 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 2009/10 the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence, managed 32,349 calls. This represented an increase of 17% on 2008/09.

#### **4.0 Additional Women’s Aid Statistical Data**

- Since 1999, Women’s Aid across Northern Ireland gave refuge to 13,656 women and 13,602 children and young people.
- During the last 15 years Women’s Aid Federation Northern Ireland managed 244,564 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, 75% of adult victims of domestic crimes recorded by the PSNI in 2009/10 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 2009/10 indicate that there were more recorded crimes with a domestic motivation (9,903) than the combined total of all the following crimes (9,864). These include all recorded sexual offences (1,944), robbery (600), armed robbery (557), hijacking (119), theft or unauthorised taking of a motor vehicle (2975), arson (1980) dangerous driving (865), handling stolen goods (226) and offences under anti-terrorism legislation (7).

- PSNI Statistics for 09/10 indicate that they responded to a domestic incident every 21 minutes of every day of the year.
- The total of 9,903 crimes with a domestic motivation in 09/10 represents an average of approximately 1 domestic crime every 53 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 09/10 total 18. Those classed as having a domestic motivation total 7. Therefore, 38.9% of all murders in Northern Ireland in 09/10 had a domestic motivation.
- There were 461 rapes (including attempted Rapes) in Northern Ireland in the period 2009/10.

(Source: PSNI Statistics 2009/10)

- 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 2009/10 N.B. "Adult" defined as aged 17 and over)

(\*\* Women's Aid Federation NI)

## 7.0 Comments

### Drivers for a Sentencing Guidelines Mechanism

- 7.1 Women's Aid Federation Northern Ireland welcomes the publication of the Department of Justice's consultation on a sentencing guidelines mechanism and the opportunity to comment upon it on behalf of our ten local groups. The following comments reflect their collective views.
- 7.2. Women's Aid is broadly supportive of the objectives as outlined in the consultation document (Pg.15). We would however suggest that there would be additional merit in taking cognisance of international best practice and research into the effectiveness of various sentencing options in terms of issues such as rehabilitation and rates of recidivism.
- 7.3. We note the statistics outlined in point 2.2 (Pg.9) from the Northern Ireland Crime Survey 2009 which illustrates the apparent lack of public confidence in sentencing in criminal courts.
- 7.4. Throughout more than three decades of working with women who have experienced domestic violence, Women's Aid has witnessed first-hand, some appalling examples of sentencing which have completely failed to reflect the seriousness of domestic violence and its devastating effects on the victim and their families. Similarly, we have been astonished by the frequency with which non-custodial sentences are given. Women continue to report to us, sentences which are in no way commensurate with the crime they have experienced.
- 7.5. Concern is frequently expressed when the perpetrator is given a suspended custodial sentence. Whilst this type of sentencing may be regarded as serious and punitive from a legal perspective, it is not recognised as such by the victim. The perception and frequently the reality of a suspended sentence, is that the perpetrator has avoided custody and is now free to return to their lives and additionally, is free to continue the abuse of the victim. Once again the onus is then placed upon the victim to ensure their own protection and to once again report their concerns to the relevant authorities.
- 7.6. We agree that in attempting to address levels of dissatisfaction with sentencing, there is a need for transparency and community engagement. It is our strong view that it is neither sufficient nor appropriate to assume that members of the general public will automatically understand sentencing practice and the variation of powers between courts.

- 7.7. Women's Aid would contend that there is a pressing need for effective communication and for a concerted public awareness campaign in respect of sentencing.
- 7.8. We also remain deeply concerned by reported inconsistencies in respect of sentencing across Northern Ireland. We share the view, as expressed in the consultation document (Pg.15), that it is essential to promote consistency in sentencing for similar offences committed in similar circumstances and that there should not be a post-code lottery in respect of sentencing practices.
- 7.9. In addition to the drivers for change identified in point 2.17 (Pg.15) Women's Aid would contend that the cost of some sentencing options may also be a consideration. Similarly, the effectiveness (or lack thereof) of prison in some cases, should be considered.

### **Consideration of Options**

- 7.10. In respect of the three options outlined in Section 4 (Pg.24), Women's Aid is of the opinion that Option 1, which would introduce an independent sentencing guidelines council with a statutory remit to produce sentencing guidelines, is broadly the most suitable approach.
- 7.12. We have no fundamental objections to a judicial chair however we would seek clarification as to the independence of the body if as proposed the Minister will select the judicial members. Similarly, we would seek clarification in respect of the decision making structure of the body and how the views of the Council will be communicated.
- 7.14. Women's Aid would wish to ensure that the selection of victim's representatives on the body was truly representative of victim's needs in Northern Ireland and as such would request clarity on how these representatives will be selected on an on-going basis given the specification that membership would be for a fixed term and would not be renewable after this period.
- 7.15. We would also seek further detail on the precise composition of the Council in respect of the mix of judicial and non-judicial members. In our view, it is essential that this balance is correct to ensure that the views of victims are given the degree of consideration they deserve.

For further information about this response contact:

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