



Department of Justice

Access to Justice Review

January 2011

Women's Aid Federation Northern Ireland

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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 (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

Access to Justice Review:

- 7.1 Women's Aid Federation Northern Ireland welcomes the Minister's decision to initiate an Access to Justice Review and the opportunity to engage in the consultation process which we have found highly productive.
- 7.2. On Thursday 20th January 2011 representatives from our local groups met with Mr Jim Daniell and his colleagues from the Review Team to discuss access to justice in Northern Ireland and to highlight specific matters of concern identified by our organisation and the women who use our services . The following comments are made in the context of the Access to Justice Discussion Document (November 2010) and reflect the collective views of the representatives of our local groups, as expressed during the discussions.

8.0. Guiding Principles:

- 8.1. Our local groups support many of the guiding principles underpinning the review and welcome the objective that the final report will explore many of these issues in greater detail.
- 8.2. In particular our groups feel that the aspiration to "fair and equal access to justice as contained in point 2.2 (Pg.5) of the document is extremely positive, as is the statement in point 2.4 (Pg.6) in respect of Legal Aid provision, specifically, that the review, "will pay particular attention to safeguarding the interests of the vulnerable" and to the role of Legal Aid, "as part of a strategy for addressing social and economic need and tackling poverty."
- 8.3. We further welcome the embracing of human rights imperatives and the recognition of the need for a high quality, efficient and independent legal profession, "providing comprehensive services that are accessible to all" (Point 2.8, Pg.5) and that this is an integral part of access to justice.
- 8.4. Our organisation fully supports the stated intention to explore avoidable delay in the system and agree with the contention in point 2.9 (Pg.6) that these delays represent a serious barrier to access to justice.

9.0. Issues Identified by Women's Aid:

Access to Legal Aid

- 9.1. For some considerable time, Women's Aid consistently expressed to Government, our serious concern that many women in Northern Ireland

have found themselves unable to access Legal Aid for Non-Molestation Order proceedings in cases involving domestic violence.

- 9.2. As a direct result of the prohibitive financial eligibility criteria for Civil Legal Aid under the Green Form Scheme, women deemed ineligible were being forced to make an intolerable choice between seeking protection under the law for themselves and their families and ensuring their financial stability and avoiding debt.
- 9.3. Whilst Women's Aid maintains that those who have experienced domestic violence should be able to access protective orders free of charge, we fully support and welcome the Minister's announcement of 30th December 2010, removing the upper earnings and capital limits for persons applying for Legal Aid in non-molestation order proceedings.
- 9.4. It is our view that this decision represents an enormously positive and progressive approach which will make a demonstrable difference to the ability of those who have experienced domestic violence, to access justice in Northern Ireland.

Delays in the System

- 9.5. Delays in the justice system are a source of on-going concern to our organisation. The consequences of protracted proceedings can be enormously damaging, particularly to the ability of the victim to retain confidence in the system and to remain within the process.
- 9.6. It is also important to note that perpetrators of domestic violence often utilise the legal process to further exert power and control and to continue to abuse their victim through intentionally delaying, frustrating and subverting the process. This is particularly evident where the perpetrator is in receipt of Legal Aid and the victim is not. Financial Abuse is a noted characteristic of domestic violence.
- 9.7. Women's Aid would therefore welcome greater steps to ensure that costs and/or financial penalties are imposed where there is demonstrable evidence of a clear and deliberate attempt to unnecessarily obstruct and delay the legal process.
- 9.8. It is also our view that the timely and concise availability of information on court dates, times and the necessity to attend, would substantially improve delays in the system. Frequently, women using our services have expressed their concern that this information is slow to appear and in some cases either does not arrive, or is unclear or inaccurate.
- 9.9. Women have reported being sent to the wrong court building and arriving for proceedings only to be told that their appearance is not required.

- 9.10. This is not only an additional unnecessary strain for individuals at a vulnerable time in their lives but also imposes practical and financial constraints in respect of ensuring childcare and transportation. Transport availability and costs can be particularly problematic for those living in rural areas in Northern Ireland.
- 9.11. Further, we would wish to highlight the scheduling of cases in court and to request that improvements be made in this area. It is not uncommon for women to attend court first thing in the morning, only to find that they are still waiting for proceedings to commence, in the late afternoon. In addition to being deeply frustrating, this presents particular difficulties for women with young children and for those with caring responsibilities.

10.0. Mediation and Alternative Dispute Resolution

- 10.1. Whilst Women's Aid fully recognises and acknowledges the potential benefits of mediation and alternative dispute resolution in certain types of case, we have serious concerns regarding its use in cases involving domestic violence given both the nature and gravity of the crime and are deeply opposed to this type of approach in this context.
- 10.2. Our organisation would also strongly reject and oppose any attempt to introduce incentives to mediation in cases involving domestic violence. In utilising incentives to what must be a voluntary process, we would be extremely concerned that those who have experienced domestic violence would come under pressure to engage in a process, which may be contrary to their safety and best interests.
- 10.3. We would also seek clarification as to the consequences of rejecting mediation. It would be utterly unacceptable to Women's Aid that a decision not to engage in mediation could be used against a victim of domestic violence during legal proceedings, for example, to suggest that they were being obstructive or uncooperative.
- 10.4. We do however recognise that there may be merit in the use of carefully conducted mediation in cases involving child contact disputes, where there has been a history of domestic violence. However, it is the view of Women's Aid that extensive and accredited training, stringent safeguards and appropriate support mechanisms would be required throughout the process and potentially beyond.
- 10.5. Women's Aid would also wish to state our opposition to any use of community restorative justice in cases of domestic violence. This is in our view, potentially contrary to the safety and well-being of victims and their families. It could also serve to compromise the safety and co-operation of witnesses and thereby act against the interests of justice

11.0 Early Guilty Pleas

- 11.1 In respect of point 3.2 (Pg.10), Women's Aid are of the opinion that more pro-active identification of cases where there is a potential for an early guilty plea, could be very beneficial for those who have experienced domestic violence.
- 11.2. We would however add the caveat that there is a necessity for clear sentencing guidelines to be in place outlining the extent of any reduction in sentence for an early guilty plea. Similarly we remain strongly of the view that too often in cases involving domestic violence the sentence is not commensurate with the crime. The court should avoid giving the impression to convicted perpetrators of domestic violence and to the wider public, that an early guilty plea reduces the gravity of the offence or the seriousness with which the court views it. It should have no impact on the punitive nature of the sentence rendered.

12.0 Interests of Victims

- 12.0. In acknowledging the comments in point 3.16 (Pg.12) that the interests of victims are of central importance to the criminal justice system, we do not share the view that their interests can be pursued solely through the Department of Justice's Code of Practice for Victims, consultation.
- 12.1. It is our contention that the care and treatment of victims at every stage of the criminal justice process is vital to ensuring access to justice. This requires an integrated, consistent multi-agency approach which endeavours to ensure that wherever and whenever possible there is a continuity of care for victims.
- 12.2. This is ultimately in the best interests of all parties involved in the process. Enhanced care and consideration for the needs of victims can improve public confidence in the system and in reporting.
- 12.3. The delivery of clear and concise information, including decisions by the PPS in respect of prosecution and adjudications on Bail applications and rigorous risk assessment procedures, can help not only to reassure and to enhance safety but also to keep the victim and witnesses willingly and co-operatively engaged in the process. Similarly, more effective court management can avoid stressful, costly and unnecessary delays.

13.0 Professional Standards for Legal Practitioners

- 13.0. Women's Aid recognises that there are some excellent examples of best practice on the part of legal professionals in Northern Ireland.

- 13.1. We would however welcome the establishment of best practice, particularly in the area of family law and as such, we fully support efforts to ensure quality service provision as outlined in points 5.5 – 5.7 (Pg.29) of the Access to Justice Review Discussion Document.
- 13.2. We also support the proposal to introduce a statutory register for practitioners wishing to provide legally aided services.
- 13.3. Women's Aid is however deeply concerned by reports, particularly from England and Wales of "Legal Aid Deserts" in which it is virtually impossible or impractical to access a legally aided solicitor.
- 13.4. We would urge that any proposed changes to legal aid consider the need to ensure adequate levels of service provision across Northern Ireland. A failure to do so is contrary to the interests of justice.
- 13.3. In respect of domestic violence, our organisation remains of the strong opinion that Legal Practitioners at all levels should engage in domestic violence awareness training and that this training should be embedded in their programmes of continuing professional development.

14.0 Advice, the Voluntary Sector and Partnership:

- 14.1. Women's Aid welcomes some of the innovative approaches to the provision of legal advice services as outlined for consideration in the discussion document.
- 14.2. We also support the cross departmental approach being suggested, in respect of developing an advice and support model.
- 14.3. We would urge the review team to consider existing approaches to the provision of legal advice in a supportive environment, such as the One Stop Shop model provided by a number of Women's Aid groups across Northern Ireland.
- 14.4. We would also welcome further detail on a possible telephone help and advice model (point 4.10) and would encourage the development of methods to integrate this approach with existing Helplines including the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence and managed by Women's Aid Federation NI.
- 14.5. Finally, in the context of access to justice for those who have experienced domestic violence, we would encourage the review team to explore the concept of Integrated Family and Domestic Violence Courts and would refer them to work currently on-going in Derry/Londonderry, in this regard.

14.6. This type of initiative may afford the opportunity to provide to take an holistic and consistent approach to family law and could result in more effective outcomes.

For further information about this response contact:

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