



Federation Northern Ireland

RESPONSE TO

NORTHERN IRELAND
LAW COMMISSION

CONSULTATION

SECOND PROGRAMME OF LAW
REFORM

November 2010

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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 4,489 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

- 7.1 Women's Aid Federation NI welcomes the publication of the Northern Ireland Law Commission Consultation on the Second Programme of Law Reform and the opportunity to comment upon the document on behalf of our ten local groups. The following comments reflect their collective views.
- 7.2 Women's Aid contributed suggestions to the First Programme of Law Reform and has actively contributed to the work undertaken in the reform projects relating to Vulnerable Witnesses in Civil cases and to the law and practice of Bail in Northern Ireland. We look forward to continuing this engagement on these vital projects.
- 7.3 One of the proposals we asked to be considered under the First Programme of Law Reform was in respect of creating a separate offence of domestic violence. We note that this has been listed under Annex 1. We wish to re-submit this proposal for consideration and would welcome the opportunity to contribute further to the exploration and examination of the issues involved.
- 7.4 Broadly speaking we believe that the current legal framework is not delivering the necessary outcomes of protection and justice for victims of domestic violence. We have a wealth of anecdotal evidence to support this and are extremely concerned at this situation.
- 7.5 Women's Aid is of the opinion that creating a separate offence of domestic violence needs to be carefully considered to evaluate whether it would deliver better outcomes of safety and justice for victims.
- 7.6 We are of the view that existing legal provisions often fail to take into consideration the nature, complexity, extent and context of domestic violence and its overall impact upon victims. A separate offence would afford the criminal justice system the opportunity to reflect fully the seriousness of domestic violence, in law.
- 7.7 For example, domestic violence is a crime predicated upon the use of power and control. It frequently involves sustained emotional and psychological abuse, which whilst often difficult for a victim to evidence and quantify under current legal provisions, has a devastating long-term impact upon the individual.
- 7.8 A conviction for assault in the context of domestic violence often fails to recognise both the status of the victim and what is

frequently a catalogue of sustained and systematic violence and abuse. Established research supports Women's Aid experience that a woman may be assaulted 35 times before she seeks help.

- 7.9 Furthermore, in the experience of Women's Aid, it is not uncommon for a perpetrator of domestic violence to have an extensive history of violence in this context and to have multiple victims.
- 7.10 Research and experience of the behaviour of perpetrators of domestic violence has also demonstrated a link with and propensity toward, other forms of violent crime and abuse, including the physical and sexual abuse of children.
- 7.11 Rates of domestic violence in Northern Ireland remain high, and it is also accepted that the crime is under-reported. Additionally, rates of recidivism for perpetrators of domestic violence are considered to be high so it could be argued that the current legal sanctions are not acting as a deterrent. Indeed in the experience of Women's Aid perpetrators of domestic violence often use the criminal justice system to further the abuse.
- 7.12 This overarching reality of the gravity, intensity and longevity of the abuse inflicted on domestic violence victims does not appear to us to be adequately reflected in the charges brought, nor indeed in the sentences handed out, which are often minimal.
- 7.13 In establishing a crime of domestic violence, the opportunity would be afforded to reflect in law the gravity of this form of criminal behaviour and to create sentencing guidelines which would be in keeping with the seriousness with which society views domestic violence.
- 7.14 In the context of risk assessment for victims of domestic violence and reflecting the work of the ongoing Multi Agency Risk Assessment Conferencing (MARAC), establishing a criminal offence of domestic violence may also prove beneficial in assisting criminal justice agencies to more effectively track repeat offenders.
- 7.15 There are some issues of concern to Women's Aid which we feel would require to be addressed in any analysis of the proposal. In particular, it is not uncommon for perpetrators of domestic violence to accuse their victims of similar acts, or to threaten them with this prospect. It would be a source of grave concern to Women's Aid if those who have experienced domestic violence were to be subject falsely to criminal proceedings, or to gain a criminal record as a result of false accusations.

- 7.16 We would also suggest that a clear and concise definition of what constitutes domestic violence would be required. This definition should clearly define the relationship of victim to perpetrator and should encompass emotional, psychological and financial abuse as well as acts of physical and sexual violence.
- 7.17 To this extent we would also suggest that any convictions for existing offences such as rape, sexual assault and fraud, should consider any context of domestic violence as a factor during the sentencing process.

For further information about this response please contact:

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