



Women's Aid Federation Northern Ireland

Submission of Evidence on Amendments to Justice Bill to Northern Ireland Assembly Committee for Justice

12th September 2014

Women's Aid Federation Northern Ireland welcomes the opportunity to provide evidence to the Justice Committee on the proposed amendments to the Justice Bill. We have focused our comments specifically on amendments which affect victims of domestic and sexual violence and abuse in Northern Ireland.

Sharing Victim and Witness Information (Part 4)

Women's Aid supports the proposed amendment. There is an inherent benefit in improving the process by which victims and witnesses of crime receive information about victim support services available to them. Allowing for the sharing of a victim's information to facilitate this will result in a better victim / witness experience of the criminal justice system, and will provide better support for all victims of crime. An "opt out" system is a sensible means of communicating the available support to victims, while still retaining a victim's autonomy to decide whether they want to take up any of these services.

Criminal Records (Part 5)

Women's Aid supports the mandatory publication of the Code of Practice, and views it as a positive step in ensuring transparency and accountability in policing.

Women's Aid supports proposals for the exchange of information between Access NI and Disclosure and Barring Service for barring purposes. It is essential for every possible step to be taken to safeguard vulnerable people from predators who, in our experience, exploit every avenue possible in order to abuse their victims. We believe that this new process will result in better and more effective screening of those seeking to work with vulnerable groups, contributing to better safeguarding of children and vulnerable adults.

Regarding the proposal to include a review mechanism of criminal record certificates where convictions or disposals have not been filtered, we are concerned that the establishment of such an approach may lead to serial perpetrators of domestic violence slipping through the cracks and facilitating their abuse of future victims. In many domestic violence cases, a perpetrator may have committed serious and sustained acts of abuse, yet have no

substantial criminal record that reflects the heinousness or extent of that abuse. This may be for a number of reasons:

- Many forms of abuse, particularly psychological abuse, do not constitute a crime in Northern Ireland.
- It is well-established that many victims of domestic violence do not report domestic violence either due to fear of their perpetrator, because of the intimate relationship with their perpetrator, or because the abuse has left them with low self-esteem or confidence and a belief that they are to blame for their abuse;
- Many women in our services have reported that perpetrators use threats and coercion to keep them subjugated and in the relationship, such as threatening to take their children or report a victim to social services, or threatening physical harm against them, family, friends or pets if they try to leave or report the abuse.
- Although domestic violence is categorised by a pattern of abuse, which can include a combination of physical, psychological, financial and sexual violence, our criminal justice system deals with domestic violence incident by incident. Therefore criminal penalties or cautions are imposed on a perpetrator of domestic violence for an individual incidence of violence, which may in itself be considered minor. The penalty does not reflect the damage done by the cumulative effect of sustained abuse on a victim. A perpetrator of abuse may therefore only have some minor convictions / disposals on his record.

It is vital that such a record is able to remain in such cases, particularly given the prevalence of serial perpetrators of domestic violence.

Proposed Amendment from the Attorney General in Northern Ireland

Women's Aid supports this amendment. We believe that the power to obtain information and compel Health and Social Care Trusts to furnish the Attorney General with documents and information for the purposes of conducting an inquest should be enshrined in law, in the interests of transparency and accountability.

Proposed Amendment from Jim Wells MLA

Women's Aid is extremely concerned about the amendment forwarded by Jim Wells MLA to restrict legal abortion to be carried out on NHS premises only where no fee is paid.

The provision of abortion in Northern Ireland is already extremely restricted to the most grave cases in order to preserve the life of the woman, and it is these cases that the amendment targets. In such cases, where the life and wellbeing of a woman is in such danger, it is a dangerous precedent to further restrict access to a legal procedure in this country.

Victims of domestic and sexual violence often face crisis pregnancies. They are extremely vulnerable due to the abuse they have endured, which may include repeated rape and forced pregnancy. Such abuse is part of a continuum of violence against women relating to pregnancy, which can also include forced abortion and sexual or physical violence resulting in miscarriage. Research shows that 30% of domestic violence starts during a woman's pregnancy.¹

Domestic violence is a health issue as well as a justice issue for the women we support. This is recognised internationally by experts and also by our own Tackling Violence At Home strategy (soon to be Stopping Domestic and Sexual Violence and Abuse strategy). The health impacts of domestic violence on women are numerous, and are a result of the combination of physical, psychological, sexual and financial abuse present in a domestic violence situation.

Health issues connected with domestic violence include:

- Depression
- Anxiety
- Suicidal ideation and self-harm
- Eating disorders
- Physical disabilities, some as a result of physical abuse
- PTSD
- Addictions

Given these effects of domestic violence on the physical and mental wellbeing of a woman, and the potential for a crisis pregnancy to exacerbate those effects to the point that her life is placed in danger, it is imperative that legal abortion to preserve her life is available in reality as well as in statute. Women's Aid believes that for this to be the case, further restrictions on who can carry out such legal procedures in this country should not be restricted along the lines of this legislation.

The current guidance on abortion from the Department of Health has, according to medical professionals, placed the health profession in an extremely difficult situation. The Royal College of Midwives in their response to the draft guidance issued in 2013, opined that

“The document would appear to have been written in such as way as to create uncertainty and fear of possible criminal or legal repercussions amongst those working in this area of healthcare and thereby exert a ‘chilling’ effect’ on the provision of abortion services for women in Northern Ireland.”

¹ Confidential Enquiry into Maternal and Child Health, *Why Mothers Die*, Royal College of Obstetricians and Gynaecologists

This has created real difficulties for medical professionals in the exercise of their medical duty to act to protect women whose lives are in danger as a result of pregnancy. Women's Aid believes that placing even further restrictions on the provision of legally permissible abortion in Northern Ireland will render the legal exception on abortion to preserve the life of a woman effectively meaningless and will act to circumvent the law currently on the statute books.

Adding this further legal restriction in the absence of proper clear guidance would place many vulnerable women, including victims of domestic and sexual violence at the hands of their perpetrator, in an extremely vulnerable and tenable position. We need laws which protect our most vulnerable, and which recognise the realities and horror of suicide and permanent mental trauma that can result from crisis pregnancies among those who are already physically and mentally scarred by abuse and violence.

For the reasons above, Women's Aid is strongly opposed to the amendment, and urges the Justice Committee not to support the amendment.

For further information about this response please contact:

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24 Hour Domestic & Sexual Violence Helpline – 0808 802 1414

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Text support to 07797805839

*Open to **all women and men** affected by domestic & sexual violence*