



**A response to**

**Examining the use of Expert Witnesses  
appearing in the Courts in Northern Ireland**

**Department of Justice**

**20 February 2015**

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**24 Hour Domestic & Sexual Violence Helpline**

**Call: 0808 802 1414**

Email Support: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)

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

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## 1. Women's Aid Information & Statistics

### 1.0 Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic and sexual violence and providing services for women and children. We recognise domestic and sexual violence as forms of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic and sexual 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 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 & Sexual Violence Helpline.
- ) To provide a range of support services to enable women who are affected by domestic and/or sexual violence 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 or sexual 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 and sexual 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 and sexual violence.

Throughout this consultation response, the term “Women’s Aid” is used to reflect the overall Women’s Aid movement in Northern Ireland, which is made up of our local Women’s Aid groups and Women’s Aid Federation. All local Women’s Aid groups are members of Women’s Aid Federation Northern Ireland. Each Women’s Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence.

### **3.0 Women’s Aid statistics (2013-14)**

- ) 999 women and 747 children sought refuge.
- ) 59 women in refuge were supported during their pregnancies and 15 babies were born to women in refuge.
- ) 1,084 one to one support sessions were held with children and young people in refuge.
- ) 3,558 women with 4,869 children accessed the Floating Support service, and a further 1,662 women accessed other Women’s Aid outreach services, enabling women to access support whilst remaining in their own homes and communities.
- ) 1,554 women participated in a range of group work and personal development programme including *Journey to Freedom* and *You and Me, Mum*.
- ) 375 women accessed support from a Women’s Aid Women’s Safety Worker while their partners or ex partners were undertaking the IDAP perpetrators programme provided by Probation Board Northern Ireland. An additional 128 children were referred to the Women’s Safety Worker in 2013-14.
- ) The 24 Hour Domestic & Sexual Violence Helpline, open to all women and men affected by domestic & sexual violence, managed 55,029 calls.
- ) 150 teachers were trained to deliver the Helping Hands programme in primary schools.

### **4.0 Additional Women’s Aid statistical data**

- ) Since 1999, Women’s Aid across Northern Ireland gave refuge to 17,424 women and 16,235 children and young people.
- ) Between 1995 – 2014, 429,435 calls were managed by the 24 Hour Domestic & Sexual Violence Helpline.

## 5.0 Statistics: Domestic violence & violence against women

- J 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”.
- J The joint DOJ, 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.
- J 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.
- J Where the gender of the victim was known, 72% of adult victims of domestic crimes recorded by the PSNI in 2012/13 were female.<sup>1</sup>
- J Over 30% of all domestic violence starts during pregnancy.<sup>2</sup>

## 6.0 Domestic & Sexual Violence: Crime statistics (Source: PSNI Statistics 2013/14)

- J Domestic Violence is a crime. PSNI statistics for 2013/14 indicate that there were more recorded crimes with a domestic motivation (12,720) than the combined total of all the following crimes (12,079) – possession of drugs (3764), shoplifting (6,372) and theft of a motor vehicle (1,943).
- J PSNI Statistics for 13/14 indicate that they responded to a domestic incident every 19 minutes of every day of the year.
- J The total of 12,720 crimes with a domestic motivation in 13/14 represents an average of approximately 1 domestic crime every 41 minutes in Northern Ireland.
- J The number of all recorded offences of murder in Northern Ireland in 13/14 total 17. Those classed as having a domestic motivation total 7. Therefore, 41% of all murders in Northern Ireland in 13/14 had a domestic motivation.
- J There were 550 rapes (including attempted Rapes) in Northern Ireland in the period 2013/14.

(Source: PSNI Statistics 2013/14)

Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.

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<sup>1</sup>Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2012/13 N.B. “Adult” defined as aged 18 and over

<sup>2</sup>Women’s Aid Federation Northern Ireland

## 2. Consultation Response

- ) Women's Aid Federation Northern Ireland welcomes the publication of *Examining the use of Expert Witnesses appearing in the Courts in Northern Ireland*, and the opportunity to comment on it on behalf of our local Women's Aid groups.
- ) We wish to preface our comments by emphasising that it is an extremely rare occasion when an expert witness is called to provide evidence on domestic or sexual violence cases (we are not currently aware of any instances in which this has happened). This is in spite of the fact that domestic and sexual violence and their impact are frequently misunderstood, and can be the subject of many dangerous and damaging myths. These myths can and do make their way into the courtroom. In our experience, there have been many occasions where it would have been extremely helpful to have expert witness testimony, yet none was called for. In such cases, expert witnesses could have been extremely helpful in unpicking the full psychological impact of domestic violence on victims and their children, dealing with why women don't leave or return to abusive relationships, or debunking victim blaming attitudes and accusations of culpability in sexual exploitation cases.
- ) We are also aware of cases across the UK where 'expert witness' evidence relating to domestic or sexual violence has been provided by people without the requisite expertise on domestic or sexual violence. While such healthcare professionals or social workers may be well-respected and have expertise in other fields, this does not qualify them to give an expert opinion on domestic or sexual violence. Such evidence should only be provided by expert practitioners in the field of domestic and sexual violence.
- ) Women's Aid supports the development of a register of experts. Such a register should be open and transparent, and there should be a mechanism whereby expert statutory and non-statutory organisations can nominate individuals as recognised experts in a particular field. As the lead agency on domestic and sexual violence, Women's Aid would welcome the opportunity to propose individuals whom we recognise as experts on domestic and sexual violence to the register. Women's Aid also has 40 years' experience working in partnership with expert organisations in the health, justice, education and social development spheres, and we are well-placed to identify experts in a wide range of fields.
- ) It is concerning that there are no accurate records of expenditure on expert witnesses in Northern Ireland. This goes against the principles of basic financial transparency and accountability with public money, where the legal aid budget is being used to pay for experts. We welcome that the Department intends to rectify this situation.

) Women's Aid welcomes proposals to better regulate the payment of expert witnesses in the interest of balancing the impact of the legal aid fund. Providing expertise in a court case is a valuable public service, and it is entirely necessary in many cases for justice to be done. However, given the current strain on the legal aid budget and the difficult decisions being considered by the Department in this regard, it would be an intolerable situation if even one person without financial capability was denied justice because expert witnesses demanded a heftier fee for their services. Such a scenario would be contrary to the very basic principles of justice and fairness underpinning our system. We urge that any changes to the system take this into account when formulating how much experts are paid for their services.

#### The use of multiple expert witnesses

) While we recognise that there may be cases where multiple expert witnesses may be required, we strongly reject the contention that money should be spent on multiple witnesses in cases where the answer of that witness does not support the client's case strongly enough (at 4.1). It seems wasteful to spend money on another opinion just because counsel don't like the first answer they are given.

) We do appreciate that in some cases it may become clear that an expert witness may not in fact have the requisite expertise to give evidence, and that this may only become clear on examination of the minutiae of a case. For this reason, a diagnostic fee system may be helpful in achieving best evidence and reducing the cost of expert witnesses. This could only be achieved however if such a fee was small and there was an obligation to expediently confirm whether or not the witness would be willing to take on the case, perhaps within a defined time limit. Such a system would also have to limit the number of experts whom counsel could approach - this would ensure that they thoroughly research the appropriateness of the experts they ask before any fees are paid.

#### Increased use of IT and Video Links

) Women's Aid supports the increased use of video links and technology as a means to reduce travel and accommodation costs for expert witnesses, particularly those that are not based in Northern Ireland. Given that systems are already in place for use of video links for vulnerable victims and some defendants, we see no reason why this shouldn't exist for expert witnesses.

#### Recovery of costs between parties

) While we support the principle of not putting unnecessary burden on the legal aid budget, we acknowledge that some parties to cases require legal aid assistance to take a case forward and therefore would not have the financial ability to shoulder the costs of an expert

witness. This should not prevent them from getting justice, and if justice requires the supporting evidence of an expert then it should be funded through legal aid.

) A high proportion of domestic violence victims rely on legal aid every year to help them extricate themselves from their abuser. This includes cases in civil courts and family courts surrounding child contact and residency. Many women require legal aid as a consequence of the poverty that leaving an abusive relationship often brings. Some may have been forced to leave employment by their abusers, or may have had to quit work because of the extreme negative mental health impact of the abuse. Asking a woman who has fled an abuser and is spending everything she has trying to replace her possessions and set up a new life to shoulder the cost of an expert witness is therefore not feasible.

### 3. Contact Details

For further information about this response please contact:

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