



A response to

Proposals to Rationalise the Court Estate

Northern Ireland Courts & Tribunals Service

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Text **support** to 07797 805 839

Freephone from all landlines and mobiles. Translation service available.

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)

- J 999 women and 747 children sought refuge.
- J 59 women in refuge were supported during their pregnancies and 15 babies were born to women in refuge.
- J 1,084 one to one support sessions were held with children and young people in refuge.
- J 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.
- J 1,554 women participated in a range of group work and personal development programme including *Journey to Freedom* and *You and Me, Mum*.
- J 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.
- J The 24 Hour Domestic & Sexual Violence Helpline, open to all women and men affected by domestic & sexual violence, managed 55,029 calls.
- J 150 teachers were trained to deliver the Helping Hands programme in primary schools.

4.0 Additional Women's Aid statistical data

- J Since 1999, Women's Aid across Northern Ireland gave refuge to 17,424 women and 16,235 children and young people.
- J 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.¹
- J Over 30% of all domestic violence starts during pregnancy.²

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.

¹Findings 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

²Women's Aid Federation Northern Ireland

2. General Comments

-) Women's Aid Federation Northern Ireland welcomes the publication of *Proposals to Rationalise the Court Estate* and the opportunity to comment on it on behalf of our local Women's Aid groups.
-) Women's Aid is of the view that any proposed changes to the operation of the courts must ensure that the impact on victims is minimised as far as possible, and must ensure that justice remains accessible for all victims.
-) The closure of certain courts will be seen as a step backwards for many victims of domestic and sexual violence. Many victims are aware of recommendations to establish specialist domestic violence courts in Northern Ireland, and would regard their establishment as a key step in removing barriers to justice. These closures, on the other hand, may be seen as a further barrier, particularly if no action is taken to mitigate the negative impact of the closures on victims of domestic and sexual violence (such as provision of private rooms in court etc).
-) Our comments are focused mainly on the impact of the proposed changes on victims of domestic and sexual violence. We have also made specific comments on the negative impact that court closures will have on the rural women that we support.

3. Effect on vulnerable victims

-) Victims of domestic violence attend criminal, civil and family courts in order to seek justice and protection from their perpetrator. The nature of their abuse is such that they are considered vulnerable victims who may require special measures and extra protection. Unlike victims of other crimes, their perpetrator is not a stranger who is unlikely to target the victim again, but an intimate partner who is likely to attempt to target and abuse the victim further. The perpetrator may have subjected the victim to months or years of abuse and control, and usually holds all the power in the relationship.
-) For these reasons among others, victims of domestic violence fear the prospect of seeing their perpetrator in court buildings. The very thought of being in close proximity of their perpetrator is a cause of significant anxiety and fear for victims. This fear can inhibit the quality of evidence that a victim gives in court, and often discourages them from agreeing to partake in the justice process in the first place. This fear is not unfounded – being in contact with a perpetrator leaves a victim vulnerable to further violence and abuse. Many perpetrators will utilise any opportunity to exert influence on their victim in a court setting.

This can include coercing a victim into retracting or changing statements or withdrawing from the process altogether.

- J In order to protect victims of domestic violence, Women's Aid staff currently make use of a number of different meeting rooms in court buildings across Northern Ireland. These rooms give women a private space to wait for their case to be called, allowing them to avoid sitting in the same place as their perpetrator. By facilitating the protection of these victims from intimidation in court hallways and waiting areas, these private spaces not only prevent re-victimisation, but also improve the chances of a victim giving best evidence and continuing to engage with the justice system. This also has a knock-on effect for other victims. If a woman has a positive experience in court buildings, she will tell other victims that the courts are a safe space for victims and may encourage others to engage with the justice system.
- J Unfortunately, access to these rooms is piecemeal and varies between courts. As we outlined in our submission to NICTS in December 2014, the usage of rooms for the protection of domestic violence victims depends on the individual court and how rooms are allocated. In some courts, Women's Aid staff have regular and exclusive use of a room, in others they are granted joint use of a room allocated to Victim Support NI. In increasing cases, staff use consultation rooms that they are forced to vacate if solicitors or barristers wish to use those spaces.
- J Women's Aid is extremely concerned that the proposed court closures may result in these spaces no longer being available for vulnerable victims of domestic violence. As many of the arrangements for the use of rooms were informal and based on the good working relationship between court staff or Victim Support NI staff and Women's Aid workers, there is a danger that these spaces won't be protected for vulnerable victims due to the changes. Our staff are already reporting that it has become more difficult to find a private room in many of the court buildings, and that they are no longer allowed to use rooms which were previously used to give domestic victims privacy and safety. We are concerned that this worrying trend will only continue as the court estate gets smaller.
- J This issue may be exacerbated further if the proposal to divide court business is implemented. If criminal business is dealt with in a separate location from civil and family business, Victim Support NI would presumably only operate in buildings where criminal proceedings are taking place. As Women's Aid does not have a formal arrangement with NICTS regarding the use of rooms, and instead relies on the good will of Victim Support NI staff, there is a danger that in certain courts there would be no space at all for women to go to protect themselves from their abuser.

-) Women's Aid urges NICTS to consider the provision of a private room for victims of domestic violence in each court room as part of the concerted effort to mitigate the worst impacts of these court closures. These private spaces are key to the safety and protection of victims of domestic violence and are crucial in ensuring continued access to justice for victims.

4. Travel to court

-) Within the document, calculations of travel distance and time are inaccurately presented. The distance travelled formula used in this consultation document does not represent the amount of time people will likely spend travelling to a new courthouse. Measuring the distance from the courthouse due to be closed and the courthouse to which business is being transferred does not provide a gauge of how people will travel to the new court house.
-) People will be travelling from their homes, which may already be a considerable distance from the court that would originally have been allocated for their area. Therefore the distances travelled for some people will be much longer than those predicted in the consultation paper. This is compounded by the fact that public transport networks may not be developed around their homes. It must also be considered that in such financially uncertain times, our public transport services are under threat and many services are being reduced or scrapped, and this will have an effect on court travel.
-) To accurately assess accessibility to new courts, NICTS should measure the distance and time taken for travelling from the community that is likely to be furthest away from the new court that will cover their area. This should also include an assessment of the transport links and likely length of time for travel at various points of the day. It should also include an assessment of whether it is feasible to reach court on time for the first sitting of the day, and possible to return home by the close of proceedings, using the available public transport links.
-) We would also point out that victims of domestic violence rely more on public transport than other members of the public. This may be because of limited access to funds or a car due to financial abuse, no access to a car because they were forced to leave it behind when they fled the house, or inability to keep a car due to the running costs and poverty they have faced as a consequence of leaving an abusive relationship. These changes will therefore affect women who have suffered domestic violence disproportionately.

5. Emergency court access

-) As acknowledged at paragraph 1.16, court closures will impact on vulnerable people who require urgent access to courts, such as domestic violence victims who need to apply for protective court orders. This is especially the case when a victim needs to apply for an emergency ex parte non-molestation order for their protection.
-) These orders are vital to protect the safety of women, and if these court changes limited the ability of victims to obtain them it could put lives in danger. Women's Aid staff already report that they have difficulty in helping women obtain ex parte non-molestation orders, particularly at times when court business is wrapping up such as Friday afternoons. Women's Aid staff report that they often have to call around to find a judge who is able to sit and issue such orders, and that they must often drive a woman some distance to access an available judge. We urge that measures are taken to ensure that the proposed court closures do not exacerbate this issue further.
-) We would question whether the proposals to divide court business into specialist criminal and civil/family courts would have a negative impact on a woman's ability to obtain an ex parte order, if there were fewer courts and judges that had the capacity to issue them. If so, Women's Aid would be opposed to such a move unless countermeasures were put in place. We would also point out that voluntary organisations like Women's Aid already incur costs in transporting women so that they may obtain these emergency protections. As non-molestation orders are a civil matter, the PSNI are not usually involved in providing transport for women, in spite of the fact that these orders are issued for the safety of the victim. It is therefore left up to support organisations to organise and fund this. Given the current economic climate, organisations are already stretched financially, and further financial burdens placed upon support organisations in order to make government savings may put those services in jeopardy.
-) There are a number of ways that access to ex parte non-molestation orders could be improved, including increased flexibility for judges to hear applications anywhere, mobile judges who travel for the purposes of hearing such applications, and an on-call judge at all times designated to each administrative area. Women's Aid recommends that such measures are considered to ensure the protection and safety of women.

6. Rural access - closure of Enniskillen courthouse

-) Women's Aid is strongly opposed to the closure of Enniskillen courthouse and the transfer of business to Omagh. We are not convinced that the financial savings which could be made from the closure will outweigh the negative impact of the closure. Fermanagh is a rural area with a dispersed population which lacks a comprehensive transport system. Given that victims of domestic violence are more likely to rely on public transport (see our comments at section 4), they will be disproportionately affected by the move to Omagh. It is also the case that the formula used to calculate 'reasonable travelling distance' within this document is particularly invalid in this context. While there may be transport links between Enniskillen and Omagh court houses, the reality is that many people live outside Enniskillen in rural areas with few or no public transport routes. Their homes may be much farther away from Omagh court house given the wide geographical spread of the area. Victims may be forced to incur excessive travel costs in the form of taxis to reach the court venue. Or, given the fact that domestic violence victims do not have such disposable income, these costs may be transferred to local support organisations such as Fermanagh Women's Aid, putting a strain on their ability to provide services in the area. It has also been pointed out that due to the lower frequency of buses in the area, there is a much increased likelihood that a victim travelling to court in Omagh would find themselves on the same bus to court as their perpetrator. This would be especially traumatising for victims of sexual violence.
-) The case study below demonstrates the practical difficulties of accessing Omagh courts from Fermanagh:

Client A is a stay at home mother who has experienced domestic violence. She lives in Rosslea with her 2 children, one attends a local primary school which starts at 9am and the other is cared for by her in her home. She does not have a car and usually walks or uses buses.

For Client A to attend court at 10 am in Omagh, she will have to arrange childcare from 7:00 am for her older child, transport to school by taxi and childcare for her youngest for the day at a cost of £45. In addition, in order to get to Court on time, she will get a taxi from Rosslea (there are no buses which would get her to Enniskillen by 7:25 am) at a cost of £30 each way, then the 94 bus service from Enniskillen to Omagh at 7:25 which arrives at 08:35. Alternatively, she can arrive at court 25 minutes late by getting the 07:55 am 95C service from Rosslea to Enniskillen and the 94 service at 09:10 am to arrive in Omagh by 10:20 am at a travel time of 2 hrs and 26 minutes according to Translink. Her bus journey will cost £17.50 if she purchases an I link card the day before (again encountering costs as this must be issued in the Enniskillen Station which does not open until 8:15 am)

) We would also point out that many domestic hearings, such as applications for non-molestation orders and ex parte orders, are heard in Enniskillen. Fermanagh also has a high number of MARAC cases, many of which require emergency court interventions to preserve the life and safety of victims such as ex parte orders. Our workers in Fermanagh report that it is already difficult to find a sitting judge to hear emergency applications - the closure of the court in this area risks putting victims of domestic violence at extreme disadvantage.

7. Equality considerations & impact of proposals

) The proposed closure of court houses is likely to have a disproportionate effect on women. Longer travelling time and distance means more complications in terms of securing childcare and arranging for children to be dropped off to and picked up from school. There is also a cost associated with this. As the traditional main carers of children, women are more likely to have to incur this cost, particularly if they are the sole carer for their children.

) As highlighted earlier in our response, the closure of certain court houses will result in a disproportionately negative impact on rural women. However, urban women will also be affected particularly if they have child caring responsibilities. The proposals would also detrimentally impact women who have experienced domestic violence but are just above the eligibility threshold for legal aid. Women who have fled abusive relationships have a number of costs to cover, including the cost of setting up a new home and replacing all belongings. This is often exacerbated by financial abuse which has left them financially insecure. The additional costs to access courts would have a greater impact on these women than on other members of the public who may technically have the same income or salary.

) As already outlined, the proposed changes will have a disproportionate effect on domestic violence victims if private spaces in courthouses are no longer available due to increased demands. Without safe spaces within courts, many victims will feel unsafe and therefore less willing to access justice.

8. Contact Details

For further information about this response please contact:

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