

Domestic violence and coercive control

Domestic violence is an ongoing pattern of **abusive, coercive and controlling** behaviour, incorporating **physical, sexual, emotional and financial abuse**. It involves a perpetrator who holds all the power in the relationship and involves abuse of that power, driven by deeply-held beliefs of entitlement. By its nature it is not a single incident of violence in an otherwise healthy relationship – often physical violence occurs only after a victim has been cut off from support networks, emotionally abused, and manipulated to the point that they are more likely to put up with physical violence or are too afraid to leave.

Coercive control is a deliberate and calculated pattern of behaviour and psychological abuse designed to isolate, manipulate and terrorise a victim into complete fearful obedience. It is not currently a crime in Northern Ireland to commit such acts of abuse.

Impact of coercive control: Facts

- Many women and men, including LGBTQ people, in our services tell us that the coercive control element of their abuse is much worse to endure, and more difficult to recover from, than the physical violence. This has been corroborated by women accessing Women's Aid services in England, Wales, Scotland, and survivors across the globe.
- It is well-evidenced that the negative impact of psychological abuse and coercive control can be as devastating as the trauma of experiencing physical attacks.¹
- Studies have proven similarities between coercive control and political terrorism², tactics used to control hostages, and treatment of POWs and concentration camp inmates.³
- The presence of coercive control in a relationship can be an effective indicator of the likelihood of serious violence resulting in death of victims. Some victims of domestic homicide do not have a history of previous physical abuse, but they were victims of extreme forms of coercive control.⁴

¹ Litrownik, A. J., Newton, R., Hunter, W. M., English, D. J., & Everson, M. D. (2003). Exposure to family violence in young at-risk children: A longitudinal look at the effects of victimization and witnessed physical and psychological aggression. *Journal of Family Violence*, 18, 59–73; Evan Stark, *Coercive Control*

² Steven Morgan, *Conjugal Terrorism: A Psychology and Community Treatment Model of Wife Abuse (1982)*

³ Lewis Okun, *Woman Abuse: Facts Replacing Myths (1986)*

⁴ Evan Stark, *Coercive Control*

Impact of coercive control on children

Sometimes the biggest victims of domestic violence are the smallest. It is important to remember that whole families suffer from domestic violence. For every woman experiencing violence in the home there will usually be children who are also suffering. A study by Hughes (1992) of families who had experienced domestic violence, showed that 90% of children were in the same or the next room when the violence was occurring. The Hidden Victims study of 108 mothers attending NCH family centres who had experienced domestic violence showed that 90% of children were aware of the violence, 75% had witnessed violence, 10% had witnessed sexual violence, 99% had seen their mothers crying or upset as a result of abuse and more than half of the women said their children had seen their injuries.

Domestic violence has an adverse effect on children and young people and can be extremely traumatic. It can impact upon all areas of life, including health, education, the development of relationships, recreation, social activities and likelihood of risk-taking or criminal behaviour.

In our focus groups with women who had suffered domestic violence, the impact of abuse on children was raised in every session. Many of the participants were mothers, and spoke about the impact that their abuser's coercive controlling behaviour had on the children. Women shared stories of how perpetrators would use children as a means to abuse them, would threaten to abscond with the children, would punish the children if the mother dared to push back against his authority. One woman said *"He treated us all the same, all like children. I was to do what I was told or he'd punish us all."*

Victims worried about the impact that the abuse had on their children. They felt strongly that the abuse of children should also be taken into account as evidence of a coercive control offence.

"The children are controlled too, and their behaviour is influenced by that pattern of control."

"Children are so malleable, they'll change themselves to fit the situation. And perpetrators use that against victims."

Participants also felt strongly that child protection services needed to do more to understand domestic violence and coercive control, and its impact on both adult and child victims in the household. There was a real and palpable fear of social services among mothers in all focus groups, and a strong belief that social workers are not trained well enough to spot an abuser or recognise when an abuser is manipulating them and the child protection system in order to further abuse their victims.

Given the strength of feeling expressed about both the social care and family court system, and the belief of almost all participants that perpetrators were using these systems to further abuse entire families, Women's Aid urges that the introduction of a coercive control law should be used as an opportunity to foster better understanding of domestic violence among all statutory agencies, including social workers and staff working in the field of child protection.

Why is the existing legal framework insufficient?

Domestic violence is not currently a criminal offence. Instead, perpetrators are charged with regular offences such as assault, criminal damage, harassment, false imprisonment, and the PSNI records that the crime had a domestic motivation for statistical purposes. Like all other crimes, the PSNI and criminal justice system treats each occurrence of domestic violence as an individual incident. This is at odds with the nature of domestic violence, which is a pattern of abusive behaviour where multiple forms of abuse are used in conjunction with each other to gain complete control over a victim. Because of the disparity between the reality of domestic violence and the criminal justice response, most incidents of domestic violence crime are treated as minor crimes and misdemeanours, often resulting in low or suspended sentences. The sentencing will not take into account the weeks, months or years of intimate terrorism and psychological torture that the victim has been subjected to.

During our focus group sessions, women told us that they didn't call police or report most of the abuse they endured because it wasn't physical, and they didn't see how reporting it could help them. However, they said that if a coercive control law had been in place they would probably have gone to the police or reached out for support much earlier.

We also asked women in focus groups to share their experiences of harassment law. Many of the women weren't aware of harassment laws or that they could be used for domestic violence cases. Women generally felt that the current harassment laws were not being used for domestic violence, either because the abuse didn't fit with harassment law or police or prosecutors didn't think to go down the harassment route. One woman told us that she never knew harassment law was applicable for intimate partners. There was a general feeling that the criminal justice system, victims and the public in general regarded harassment laws as something to be used against stalkers or acquaintances, not partners or ex-partners.

The current harassment law is not meeting the needs of domestic violence victims. Given that most, if not all, domestic violence is based on coercive controlling behaviour, one would hope that any law which theoretically covers such abuse would be able to be widely used and fit for purpose. Our harassment laws do not meet this standard.

Women's Aid believes that the current approach to domestic violence is not delivering adequate justice for victims and survivors. Domestic violence is a unique crime, necessitating a unique response. We believe that a coercive control offence will lead to a criminal justice system which more accurately reflects the reality of domestic violence, and will facilitate justice agencies to put more domestic violence perpetrators behind bars where they belong.

Case Study: Lisa

Although Lisa had never been physically assaulted by her boyfriend Greg, she knew something wasn't quite right. Over the course of their relationship Greg convinced her that her family and friends were against him and that she shouldn't speak to them anymore. He constantly put her down. He started questioning Lisa about her every movement. He monitored her calls and messages daily. He played mind games to convince Lisa that she was 'going crazy'. He flew into fits of rage if she ever talked to another man, calling her a slut and telling her that no one else would ever have her. One night they had had a huge fight after she had insisted on going to a work social event. The next day Lisa's pet dog went missing. Greg insisted that he had nothing to do with it but Lisa knew in her heart that he had killed the dog to punish her for standing up to him. She knew then that he was capable of anything, and became afraid to ever disobey or challenge him.

Within a year, Lisa was unrecognisable. Her self-worth and confidence disintegrated, she was no longer allowed to make any decisions for herself, she was broken from being constantly berated and belittled, she suffered from depression and panic attacks, and she was utterly convinced she would never escape Greg even if she tried. Greg's abuse had escalated: HE demanded that she dress a certain way and wouldn't allow her to wear trousers. He expected dinner to be on the table and at the right temperature when he returned home from work. He told her that if she ever left him he would ensure that he got custody of their 1 year old son and that she'd never see him again. He would casually talk about how easy it would be to kill her and how no one would miss her if she died. He often prevented her from going to work, accusing her of having affairs with work colleagues. Eventually Lisa lost her job due to absenteeism, as she was too afraid to tell her employer why she wasn't showing up for work. From this point on, Lisa was financially dependent on Greg and was a prisoner in her own home.

A month after losing her job, Greg subjected Lisa to a three-hour ordeal where he locked her in their bedroom, destroyed sentimental items belonging to her dead mother, and assaulted her by smashing her head against the wall and repeatedly kicking her as she lay on the floor. Lisa managed to call the police and Greg was arrested and charged with assault occasioning in actual bodily harm, criminal damage and false imprisonment. During court proceedings, the false imprisonment and criminal damage charges were dropped as part of plea bargaining, and the ABH charge was downgraded to common assault. Because he had no previous convictions or a record of previous domestic violence, Greg was not given a custodial sentence and was released. The years of abuse that Lisa had suffered were not taken into account during the course of the court proceedings.

A criminal justice system that reflects the reality of domestic violence

Domestic violence is a violation of the fundamental human rights of victims, including rights to liberty, equality, dignity, freedom from torture and freedom from fear. These are rights which our government has pledged to uphold.

A domestic abuse offence would strengthen our acknowledgement of the seriousness of domestic violence, both as a wrong against victims and children, and against society as a whole. It would give legal recognition of domestic violence as a systematic course of conduct calculated to gain complete control of a victim. It would provide better protection and justice to those experiencing repeated or continuous abuse.

“If coercive control was a law, I would have gone to the police earlier.”

It is also our hope that a specific domestic abuse offence will acknowledge the cumulative effect of sustained physical, emotional, financial and sexual abuse on a victim, and reflect this in the sentencing regime for the offence. For instance, the maximum sentence under the England/Wales coercive control laws is 5 years imprisonment.

How a domestic abuse / coercive control offence might look

This is an opportunity to create an offence and sentencing regime that match the seriousness of domestic abuse and its impact on victims. Women’s Aid in Northern Ireland is generally supportive of the law as formulated in England and Wales. This law was created in consultation with domestic violence practitioners and leading academic experts in the field of domestic violence. However we believe a Northern Irish offence should encapsulate situations where ex-partners are continuing to exert coercive control over their victim even if they no longer live together, and should ensure that the law adequately protects victims with disabilities where their abuser is also their carer.

We recommend that certain elements of the law could be mandatory, so that there is no room for error as a result of individual lack of understanding of domestic violence and coercive control on the part of police, solicitors, barristers or judges etc.

The experience of England & Wales will also be instrumental in how this law is devised for Northern Ireland. The law is being used in GB, proving that it is workable. In terms of securing convictions, innovative evidence approaches could be considered. These could include

- Use of DV register and all police intelligence which shows the number of times police have been called out to a house, to build a picture of the frequency and nature of abuse
- Use of PSNI intelligence and evidence gathered from incidents to build a picture of coercive control as a course of conduct
- Use of body worn camera evidence from the scene on each occasion to effectively demonstrate the impact and seriousness of abuse. In parts of England where body worn cameras have been rolled out, there is a marked increase in the severity of sentences for domestic violence related crimes.
- More innovative evidence collection, such as use of CCTV footage to show instances of abuse in public, phone records showing a perpetrator making abusive calls and texts, and social media to help build a body of evidence that a pattern of abuse is occurring.

We would also suggest that specific guidance on the granting of bail should be developed for the domestic violence offence, which reflects the likelihood of further abuse and intimidation of victims

following release. In coercive control cases, we urge that special measures are granted for victims as standard, unless the victim expressly desires not to avail of them. This would reflect the court's understanding of the nature of the offence and the abuse, and the likelihood of further intimidation and victimisation in a court setting.

Potential benefits of the new law

1. Giving the police the tools to arrest & charge perpetrators

An offence which incorporates the coercive control element of domestic abuse would give police more scope to pursue perpetrators and bringing them to justice. Police will be able to secure more convictions, disrupt domestic abuse at an earlier stage, and take people who they know to be dangerous off the streets.

2. Tackling serial perpetrators - Most perpetrators of domestic violence are serial perpetrators. In other words, perpetrators who move on to abuse future partners once their current victim has finally managed to break free from the relationship. Creating a domestic abuse offence which criminalises all elements of abuse will enable police to take these perpetrators off our streets and prevent them from moving from one victim to another with impunity.

3. Changing how we talk about domestic violence – Creating a domestic abuse offence would remove the ambiguity of how we talk about domestic violence in public and in the media. Currently when a woman is killed or assaulted, newspaper reports rarely use the phrase domestic violence or domestic abuse. If it was a specific offence, this would encourage public discourse to recognise this violence for what it is, and give a very hidden crime some more public visibility and recognition.

Creating a culture in Northern Ireland that rejects domestic violence

A domestic abuse offence will send a strong message to perpetrators that they cannot act with impunity. It will also send a message to victims that the abuse they have suffered will be taken seriously by government. This is sorely needed to build the confidence of survivors in the criminal justice process.

Cultural change is important, and it is achievable. When not **wearing a seatbelt** was made illegal, our culture changed very quickly to regard wearing seatbelts in cars as standard and necessary behaviour. It also changed the public's level of tolerance to those who broke the law. Similar cultural shifts have taken place with regards to **drink driving** and **smoking in workplaces**.

The same can happen for domestic violence if we criminalise coercive control