



Federation Northern Ireland

A response to Consultation on Domestic Abuse Offence and Domestic Violence Disclosure Scheme

Department of Justice

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Open to all women and men affected by domestic or sexual violence

1. General Comments

Women's Aid welcomes the publication of the consultation on a domestic abuse offence and domestic violence disclosure scheme, and the opportunity to comment on it on behalf of our 9 local Women's Aid groups.

Women's Aid is encouraged by the Department of Justice's efforts to consult with victims and survivors of domestic violence to get their views on a coercive control law and disclosure scheme. With this in mind, Women's Aid held focus groups during the consultation period to garner the views of victims and survivors of domestic violence who have used our services on these issues. Consultations were held in 3 locations across Northern Ireland, with a total of roughly 50 women in attendance. Throughout this response, we have included the views of women expressed at these sessions, and have also included an Appendix at the end of our response with a full summary of views expressed in the focus groups.

2. Domestic Abuse Offence

Women's Aid supports the proposal to make domestic violence, specifically the coercive control element of domestic violence, an offence.

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 an 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 the 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

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

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*

⁵ Terri-Louise Logue, who was supported by Women's Aid, told the Belfast Telegraph "I'm not saying every woman would walk away from the relationship if they were made aware their partner had a violent past, but I know that I

- Numerous studies have proven similarities between coercive control and political terrorism², and have noted the similarities between domestic violence and tactics used to control hostages, 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

“If I had a choice between being physically or mentally tortured, I’d choose the beating.”

“I am so broken. He has broken me from the mental torture.”

“Slap me, punch me, kick me, but don’t put me through one more hour of mental torture.”

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. Children and young people will experience domestic violence in many ways and every experience will be different. A study by Hughes (1992) of families who had experienced domestic violence, showed that 90% of children were in the same or next room when the violence was occurring. Studies by Leighton (1989) showed that 68% of children from families where there was a history of domestic violence were witnesses. 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% of children had seen their mothers crying or upset as a result of the violence and more than half of the women (52%) said their children had seen the resulting injuries. The Hidden Victims Study also showed that more than a quarter (27%) of the children involved had been hit or physically abused by the violent partner.

Domestic violence has adverse effects on children and young people and can be traumatic. It can impact upon all areas of life, including, health, education, the development of relationships, recreation and social activities.

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 the 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 for 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 direct victims and the children in the household.

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*

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 victim(s).

Given the strength of feeling expressed about both the social care and family court system, and the belief of almost all participants in focus groups that perpetrators were using these systems to continue to control and 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. We recommend that the introduction of the offence is coupled with training of statutory agencies to better understand and respond to those affected by coercive control and psychological abuse.

Why is the existing legal framework insufficient?

Domestic violence is not itself 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 treat 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 with victims and survivors, women told us that they didn't call the 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 effectively in domestic violence cases. This was either because the abuse didn't fit with the harassment law, or police and prosecutors didn't think to go down the harassment route. One woman told us that said that she didn't know harassment legislation could be used for an intimate partner. There was a general feeling that the criminal justice system, victims and the public in general regarded harassment law as something to be used against stalkers or acquaintances, not partners or ex-partners.

"Women don't know about it, police don't use it."

Women's Aid believes that 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 and controlling behaviour, one would hope that any law which theoretically covers such abuse would be able to be widely used, subject to robust evidence collection. Harassment legislation does not meet this standard in practice. Women's Aid believes that a law should be created which is fit for purpose and is capable of criminalising coercive control. We also believe that specifically naming coercive control and domestic abuse within legislation would link domestic violence, coercive controlling behaviour and criminality in the eyes of the criminal justice system, and would better protect victims and bring more perpetrators to justice.

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 decision 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 would 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 adult and child victims, 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. When we raised the issue of sentencing with women in our focus groups, there was general agreement that sentences are currently much too lenient for crimes involving domestic violence. Most women felt that lack of effective punitive sentencing and criminal recognition of psychological abuse was allowing perpetrators to act with impunity. They felt that the system was inadvertently colluding with abusers, by sending the message that the State did not take abuse seriously or punish the behaviour effectively.

“Looking at the way sentencing reflects domestic violence, I do not think it’s taken seriously at all. If someone stole my car they’d be more likely to get a serious sentence than if they tortured me for years.”

How would the change be implemented?

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 protect 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. Given the queries raised by some police and prosecutors during the consultation period as to how this innovative offence could be effectively implemented, we urge that specific guidance is developed on evidence collection and prosecuting coercive control offences. We would however point out that this law is being used in other jurisdictions where it has been introduced, proving that it is workable. Our colleagues in England and Wales have informed us that a number of cases are ongoing in both jurisdictions.

In terms of securing convictions, innovative evidence collection 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 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 using CCTV footage to show instances of abuse in public, phone records showing a perpetrator making harassing phone calls, or text messages/social media messages to build up 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 abuse offence, which reflects the increased likelihood of further abuse and intimidation of victims following release. In criminal cases for coercive control, we urge that special measures are granted for victims as standard / mandatory, 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 in the 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

3. Domestic Violence Disclosure Scheme

Women's Aid welcomes the proposals to introduce a domestic violence disclosure scheme along the lines of Clare's Law to Northern Ireland.

While a disclosure scheme will not put an end to domestic violence alone, it would nonetheless be one of a number of useful tools for police to keep people safe, and for people to be empowered to make informed choices about keeping themselves safe. Women's Aid favours the option of introducing a scheme with both Right to Ask and Right to Know elements. However we would have further questions as to how the scheme would operate in practice to ensure that it is fit for purpose and beneficial to those affected by domestic violence.

The key to the success of any disclosure scheme will be the detail of how it operates. This crucial detail could be the difference between a scheme that enables people to take steps to make themselves safe, and one that may in fact put people at risk. The scheme must provide potential victims with the tools to enhance their safety, facilitate exit from a relationship with a perpetrator, and link effectively with support provision for victims of domestic violence.

A disclosure scheme can only work effectively in an environment where there is adequate support provision for those affected by domestic violence, and adequate training of front-line professionals such as police to understand and be able to identify domestic violence. It must operate in conjunction with proactive policing to pursue perpetrators and partnership work between statutory agencies and expert voluntary service providers.

Why do we need a Disclosure Scheme like Clare's Law?

- Earlier intervention = a safer community. Domestic violence is a crime of escalation. It may begin with criticisms of a partner's appearance, excessive jealousy or isolating a partner from friends and family. But abuse inevitably escalates as part of a pattern of controlling, coercive and manipulative behaviour, often culminating in complete control and isolation of a victim and physical violence. Earliest possible intervention of abuse is key to preventing the abuse from escalating, thereby reducing the risk of serious injury and violence and making it easier for victims to leave the relationship. If people have the power to ask police about their partner's past, that information may cut that relationship short and avoid escalation of abuse.
- Part of emotional abuse is convincing a victim that they are at fault or that they are imagining the abuse. A disclosure scheme may provide victims with the proof that abuse is happening to them and empower them to leave.
- Many perpetrators of domestic violence in Northern Ireland are serial perpetrators, moving from one victim to the next with impunity. A disclosure scheme would be one way to protect unsuspecting victims from motivated serial perpetrators.
- While such a scheme may not work for all those in relationships with abusers, it could be a valuable, possibly life-saving, tool for those who do use it. In the first year of Clare's Law rolling out nationally across England & Wales, at least 3,760 applications and 1335 disclosures were made. Some survivors of domestic violence have openly stated that if a disclosure scheme had existed when their abuse began they would have used it and avoided the violence they suffered.⁵

⁵ Terri-Louise Logue, who was supported by Women's Aid, told the Belfast Telegraph "I'm not saying every woman would walk away from the relationship if they were made aware their partner had a violent past, but I know that I

“You think that you are going mad, and he tells you that you are mad and that it is all in your head. A disclosure from police would help you realise that you are not mad and that he really is abusing you.”

Right to ask / Right to know?

Women’s Aid Federation NI supports the introduction of both Right to Ask and Right to Know elements of a disclosure scheme. While there is already provision in Common Law for police to approach individuals and warn them about the past of a known person, we have little evidence of this having been used in cases of domestic violence perpetrators. Our colleagues in England and Wales had a similar experience, and had no knowledge of police ever using their common law powers to proactively inform someone of their partner’s violent past.

We believe that clear guidance within a scheme like this will give police greater awareness of their power to inform people of a perpetrator’s past, and will give them the confidence to use that power. We would urge that the introduction of a Right to Know scheme in Northern Ireland is accompanied by clear guidance and training for police, so that police are fully aware of the extent of this power and are not discouraged from exercising this duty on account of data protection concerns.

We would also counter argument that the scheme would be too administratively onerous by pointing out that it is less onerous than investigating and pursuing convictions for murder, rape etc. We would however be in favour of a scheme that works as quickly as possible to come to a decision about disclosure, while still thoroughly investigating the person in question’s background for anything of concern.

“Abusers aren’t afraid of the legal system. If there was a right to know it would rein them in a bit.”

What should be disclosed?

For a disclosure scheme to be effective, it must be possible for police to disclose more than just convictions for crimes with a domestic motivation. The majority of domestic violence perpetrators do not have any convictions, despite being prolific and serious abusers. There are many reasons for this:

- Some elements of domestic violence, such as coercive control, are not currently criminal offences;
- Individual instances of abuse may be considered too ‘minor’ for conviction and our criminal justice system does not punish offenders for the cumulative effect of domestic violence;
- Abusers take extreme measures to avoid detection and conviction;
- It is widely acknowledged in research and practice that victims of domestic violence tend to significantly downplay the severity of their abuse, which works against them in a criminal justice setting
- The relationship between perpetrator and victim makes it difficult for victims to partake in criminal proceedings, either because of fear and intimidation or love and loyalty felt towards their partner.

Disclosure information should include convictions, spent convictions relating to domestic violence, non-molestation orders and other protective orders against them at present or in the past, plus any intelligence held by police on the individual such as previous call-outs for domestic incidents with different partners, any instances they have been identified as a perpetrator at MARAC (particularly if they have been flagged as perpetrators more than once). Given the link between domestic violence and child protection issues, Women’s Aid believes that disclosure information should also include any child protection investigations involving the potential abuser. Police should also disclose if they have general concerns or have noted

would not have become involved with Craig. I would never have ended up almost beaten to death and with emotional and psychological scars that I might never fully recover from” <http://www.belfasttelegraph.co.uk/news/northern-ireland/clares-law-is-needed-in-northern-ireland-so-we-know-abusive-partners-30806018.html>

worrying behaviour that they believe might put the applicant at risk. For example, there is a well-established link between abuse of humans and abuse of animals, so a significant history of animal cruelty may be a red flag. If police have information relating to a perpetrator of domestic violence, and they are asked by that person's new partner whether they have any concerns about that perpetrator, it is most likely in the interest of the applicant's safety that disclosure is made. Police should also make checks in other jurisdictions if the potential perpetrator has lived outside Northern Ireland in the recent past. We would also advocate that the Northern Irish scheme follows the Scottish example of consulting Social Services departments and voluntary sector support organisations, to both gather intelligence of concerning behaviour and gain an understanding of whether there is a risk of harm to the current partner.

How should disclosures be handled?

The mechanics of how disclosures are dealt with by police will be crucial to whether a disclosure scheme enhances or jeopardises the safety of potential victims. It is vital that the scheme incorporates mechanisms for dealing with safety issues and appropriate signposting to support agencies for those making applications, including if applicants are concerned third parties. Risk assessment and safety planning should be integrated into the process, and specialist support organisations should be embedded in the process to ensure that once an applicant is given a disclosure there is a pathway of support and manageable next steps for that applicant. **Leaving an abusive relationship can be the most dangerous time for women, and a perpetrator does not have to have been physically violent in the past to commit serious acts of violence once a victim tries to leave.** If an applicant decides to leave their relationship on the basis of a disclosure, support must be there to help them do this safely.

During the course of the consultation period, we sought views from victims, survivors and practitioners working in the field of domestic violence. One practical suggestion which arose from our discussions was to include **referral to a support organisation at the very beginning of the process, at the point where a person makes the initial enquiry.** It was felt that the earlier someone could speak to an expert on domestic violence such as a Women's Aid support worker, the earlier they could talk through their concerns and think about why they asked for the disclosure in the first place. Instead of waiting 8 weeks for police to get back to them, possibly with no information, they could get support right at the point that they had built up the courage to make contact with police. Participants in focus groups felt that this earlier intervention would result in better outcomes for those making disclosures, as it would immediately link them in with support services and would circumvent the limitations of the disclosure scheme (ie if the person in question was a perpetrator but police had no information to disclose).

The manner of disclosure is also important. Like the English and Welsh system, police should carefully identify a safe course of action to contact the person receiving the disclosure without putting them at risk of harm.

We would also suggest that alternative venues for meeting with applicants to discuss a disclosure could be considered, if those applicants are put off or daunted by a police station setting. Existing partnerships with organisations like Women's Aid could be utilised, and meeting rooms in resource centres could be used as a neutral, non-threatening alternative venue if the applicant prefers.

"Support has to be there from the get go. Especially if it's someone else who has asked for the disclosure and it's just police showing up on your doorstep saying that the man you love is an abuser. You'd need someone there, not police, to talk to who know what they're talking about and understand domestic violence.

Messaging: Helping people understand that no disclosure does not mean that there is no abuse in their relationship

It is necessary that police convey information in a manner that does not put that person at risk of harm. For this reason, it should be made clear to those receiving information that if no disclosure is made, this does not necessarily mean that their partner is not a domestic violence perpetrator. It is very possible for someone to be an abuser and not be yet known to police. For this reason, Women's Aid also strongly advocates for signposting of applicants to support services even if there is no disclosure, so that they can talk over their concerns and the reason they made the application for disclosure in the first place with trained experts. In our experience, if a woman has reached the stage where she is considering contacting the police about her concerns, it is likely that there is an unhealthy and possibly abusive element in that relationship. By offering routes to specialised support regardless of the outcome of the police assessment, the disclosure scheme has the potential to be a preventative and early intervention tool even in cases where no disclosures are made.

Confidentiality

Women's Aid supports a scheme that operates confidentially, similar to the scheme in England and Wales. The confidentiality clause for disclosed information would allow police to navigate conflicts between data protection, privacy, and the need to keep people safe. Women's Aid accepts that information disclosed to an applicant should be treated as confidential and only used to protect the potential victim. A similar process in Northern Ireland, where those receiving the information are instructed to only share the information in as far as is necessary to protect the potential victim, would strike a balance between safety and privacy concerns. It is important that police ensure that those receiving disclosure information understand the confidentiality of the information being disclosed, especially given the civil and possibly criminal law implications if they breach that confidentiality.

Confidentiality should never prevent applicants from reasonably using the information to keep themselves safe, keep any children involved safe, or seek support and advice from support service providers.

Who can apply?

Women's Aid supports the system in the rest of the UK whereby third parties can apply for a disclosure, but the disclosure information would only be given to the person in the relationship or the person best placed to protect them. This, combined with the confidentiality of disclosed information, would act to discourage vexatious applications. It would be for police to decide whether the application is based on genuine concern or not, and whether it is appropriate to make a disclosure to someone who was not in fact the applicant. Guidance should be developed for those making decisions on third party applications to ensure that the safety and agency of the potential victim remain at the heart of the process.

Our information from colleagues in Women's Aid Federation England is that vexatious applications have not been an issue with the roll out of Clare's Law nationally.

Keeping victim blaming out of a disclosure scheme

Not all people who are told of their partner's abusive history will leave the relationship, or they may return to their abuser after some time apart. There are many reasons for this, among which are loyalty or love for their partner, belief that they are not in danger, or a perpetrator's manipulation of disclosed information to convince their partner that no abuse took place. This is sadly part of domestic violence, and it is important that the statutory response to domestic violence does not punish victims because they don't fit into the mould of the 'perfect victim' who leaves a relationship and doesn't go back. The disclosure scheme must make it clear in its messaging and practice that the door is always open to victims of

domestic violence, and support is there for them, even if they did not act on disclosure information or return to an abusive partner after leaving.

Similarly, police must make it clear to applicants who don't receive a disclosure that the door to support remains open to them even if no information is shared at the time, in case the person they are concerned about actually is an abuser.

Listening to survivors and expert service providers

A disclosure scheme runs the risk of being ineffective or even harmful if it is not fit for purpose. Therefore it is important to listen to victims and survivors, and expert service providers like Women's Aid who have supported victims and survivors for decades, when shaping the scheme. While different women will have had different experiences, and the scheme will not benefit everyone, it should be rolled out in such a way as to be most beneficial to as many potential victims as possible. This can only be done in consultation with victims and survivors.

A disclosure scheme must be accompanied by an effective pathway for victims to leave a relationship safely should they wish to do so, or to take steps to protect themselves while in the relationship. Risk assessment and safety planning should be embedded within the scheme. The scheme should be an open door for future support – there should be no judgment if a disclosure takes place and a woman decides to stay with a partner.

Overcoming the shortcomings of Clare's Law – The English / Welsh experience

Clare's Law has been operating nationally across England and Wales since the beginning of 2014. Service providers like Women's Aid in England and Wales have monitored the implementation of the scheme, and have highlighted a number of ways in which the scheme should be improved. In Northern Ireland, we are in a fortunate position where we can use the learning from England and Wales to implement an improved scheme without those shortcomings.

Suggestions for improvement of Clare's Law in England and Wales include:

- Inclusion of data on spent convictions, especially in light of amendments to the Rehabilitation of Offenders Act made through LASPO which mean that convictions become spent in a shorter time.
- Better guidance on what situations should result in disclosure, to ensure that police are not erring on the side of caution and failing to disclose information that could keep people safe.
- Incorporation of any coercive control offences into disclosure scheme.
- More proactive use of the Right to Know element of the scheme.
- Better training for police on domestic violence so that they are able to exercise their discretion based on expertise and understanding of the issues.
- Wider consultation by police about perpetrators to determine risk. For example, in the Scottish version of the disclosure scheme, police consult with other agencies such as social services to check if there are any concerns about the person in question, and input from advocacy groups such as Assist and Scottish Women's Aid is taken into account when considering whether to make a disclosure.

We urge that these identified shortcomings are overcome in the introduction of a domestic violence disclosure scheme in Northern Ireland.

Appendix A: Summary of focus group sessions - Coercive Control

Three focus groups were held with victims and survivors of domestic violence and abuse who have been supported by Women's Aid. These focus groups were held in 3 locations across Northern Ireland in March and April 2016, involving approximately 50 women. The following is a summary of the main issues raised during the discussion of a potential coercive control /domestic abuse law for Northern Ireland.

Do we need a coercive control law?

Women in focus groups overwhelmingly answered YES to this question.

"If there was a stronger definition of coercive control, legally, it would be better for us." – The woman who said this was also adamant that coercive control law should include control of children and be formulated to protect children from coercive control and have serious implications on whether contact was granted / how it was administered.

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

Women voiced concerns that there were currently no powers of arrest for coercive control, and that until there were the police would have less power to actually act to protect victims.

Women in all groups voiced how difficult it was to explain what coercive controlling abuse does to victims.

"If I had a choice between being physically or mentally tortured, I'd choose the beating."

"Slap me, punch me, kick me, but don't put me through one more hour of psychological torture."

Women variously described their psychological abuse as tantamount to 'torture'. One woman likened her experience to the film 10 Cloverfield Lane, where a woman is held captive in a bunker.

Women described the abuse that surrounds a single physical incident, both before and in the aftermath. One woman spoke of years of constant emotional and financial abuse before physical violence even started happening, then how she "turned to the drink" to cope with the abuse. She spoke of all the repercussions her alcohol abuse had for her in terms of her ability to look after herself or her children or hold down her job. She felt that it was all because of his abuse and coercive controlling behaviour, yet she was paying the price for it.

"I am so broken, he has broken me from the mental torture".

Many women noted that they would not have called the police about abuse that was not physical as it was not a crime and they didn't see the point. However, they stated that a coercive control law might give them more confidence to come forward and report abuse if they felt that their abuse was better reflected in the law.

One woman shared her story of how her abuser's psychological abuse had completely changed her life for the worse and broke her as a person:

"I used to be a project manager. I was in charge of millions of pounds worth of contracts. But all that changed during my marriage. I remember sitting in his mother's house one day. I had lost my job and my self-esteem. Someone came over to visit his mother, and he turned to me and asked me what I thought of something. I just remember feeling so shocked that anyone would talk to me or want my opinion on anything. Over 17 years, I went from being a confident, smart, independent person to being a shadow even in the company of my in-laws."

Another woman shared how her abuser punished the whole family because she had left the relationship.

"12 out of 26 weeks last year we had no oil. He had control of the money even though he wasn't in the house anymore, and he punished us for pushing against his abuse."

Not all women are physically abused, yet they are extensively psychologically abused and controlled to the point that their lives are destroyed. One Women's Aid support worker noted in the focus group sessions that *"we have worked with women who have never ever been hit."*

One woman spoke of how she supported a friend who had been in an abusive relationship. *"He had warped her mind so bad that when he eventually broke her ribs she blamed herself and wouldn't press charges."*

"Sometimes you don't even realise it's control til way down the line and it's too late."

On the prevalence and nature of coercive control

Women in the groups all disclosed that coercive control had been a major part of their abuse, if not the worst part.

"For the majority of women, this is how the violence starts. They tell you what to do, how to dress, who you are allowed to talk to and be friends with. The control leads to the violence, it builds up to it. It will always lead to more."

"They will always put you down. No matter what you do and even if you go out of your way to please them, they'll always find a reason."

Some women found it difficult to get agencies to take the psychological elements of their abuse seriously, and felt that they were constantly having to explain it or defend themselves and justify the impact it had on their lives.

"It's not victims being 'sensitive', it's someone systematically picking on your weaknesses and using the intimate things you've shared with him against you."

One victim compared what her perpetrator did to her as deliberate and systematic *"asset stripping"*. *"They strip away your finances, your independence and your dignity."*

Another woman disclosed how she was so ashamed of what was going on and that she was allowing it to happen, that she tried to hide it from everyone around her. Many women in the groups disclosed having similar experiences.

"I covered it up so long due to embarrassment. I am an educated woman, I was ashamed of what was happening."

Discussion around the law pertaining to children and young people

Much discussion centred on children as victims of coercive and controlling behaviour. Women felt that the experience and suffering of children should be taken into account as evidence of coercive and controlling behaviour and that perpetrators should be reprimanded for this abuse as well as abuse of adult victims.

Examples were given of children who did not want to see their father because they were justifiably afraid of him, but also of children who had been controlled and manipulated by abusers and the need for the justice system to protect children from this. There were strong feelings that the best interests of the child, the views of the child, and the State's duty to protect children from abusers, were not being sufficiently taken into account.

"It's not just about the women (who are victims), it's about the children too. They are controlled, 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 us."

Victims told of situations where their abuser would punish the children and blame the mother's behaviour. For example one woman mentioned that her abuser would take away privileges from the children or cancel trips or refuse to let the children go to sports events or agreed outings if he hadn't liked his wife's behaviour. He would tell the children *"it's your mother's fault that this has happened"*. In this way he controlled the entire household.

Another example was blaming children for the abuse: *"My boy wasn't doing his homework, and my abuser picked a fight with me about it and it turned into an argument. Then he turned round to the boy and said to him 'you caused this fight'."*

Women in all focus groups were also universally critical of the social care system and family courts, and felt that there was a profound lack of understanding of the nature of domestic abuse and coercive control among professionals:

"Social services put my children through hell. They didn't want to see him, he had abused one of them physically and had mentally abused everyone in the house. But social services insisted that the children go to him for contact."

Lack of statutory agency understanding of abuse / gaps in the system

Police:

"Trying to find the words to explain to police what psychological warfare was like was so very difficult. I ended up comparing it to Stockholm Syndrome but my investigating officer didn't understand."

One woman shared her experience with police: *"The officer clearly had very little training on domestic violence and didn't have empathy or common sense when dealing with me. It wasn't the case with all officers, some police were very good. But my investigating officer just didn't get psychological abuse."*

*"If I could describe the **monumental effort** it takes to report to the police... (trails off)"*

"When you phone the police, it's never the first time the abuse has happened."

One victim described how her responding officer suggested that she “go for a cup of tea” with her abuser to work things out. She later learned that this officer knew of the perpetrator as he had abused other women previously.

There were a number of women who had had very positive experiences with police: *“The police have come a long way. My DAO was brilliant.”*

Women in the focus groups suggested that a coercive control law could give police more powers to take action in cases where they hadn’t in the past. One woman gave an example of when her abuser absconded with their children, and the police suggestion was to ‘steal the children back’. She suggested that as the perpetrator’s actions were part of his means of controlling her by using the children, this could be used by police as part of evidence of coercive control.

Another woman, who retaliated during a single incident of physical violence, shared her experience. *“There was one time when I fought back. When the police came out they told me ‘if you prosecute him, he’ll prosecute you’. If the law had taken into consideration the mental abuse, everything he’d put me through for years, if they’d witnessed what had happened before and after the assault, if they could have used that as evidence, it might have been different.”*

Courts & social care system

Women in the focus groups strongly felt that the family justice system did not understand domestic violence, or offer any protection to victims from abuse within the system. Women described having to defend themselves in family courts and feeling like criminals being cross-examined, sometimes by their abuser. One woman described her experience of the family court as *“systemic, institutional abuse.”*

It was universally agreed that the family court system gave perpetrators the opportunity to use the system to exert further abuse and coercive controlling behaviour on victims.

Most of the women in our focus groups highlighted the family court system and child protection system as facilitating further abuse due to their lack of understanding of what domestic abuse and coercive control is. One woman said: *“It doesn’t end when you leave, the control and abuse continues. I’m fed up with agencies who are supposed to be experts but don’t have a clue.”*

On lack of understanding of perpetrator behaviour, control, abuse and using the family courts to further abuse victims, one woman said *“People don’t seem to be able to join up the dots”*

“It was the stress of going through the system that made me suicidal.”

Women brought up lack of understanding of domestic violence within the system time and again, from court welfare officers to solicitors to judges.

“Solicitors forget that it is really tough to walk into a courthouse. But it is. I’ve never done anything bad in my life that should warrant me being in a courthouse yet there I was.”

“Every single judge should have to be sent on a lengthy and compulsory training course about domestic violence, and meet victims face to face so that they really understand what it’s all about. Because a lot of them don’t understand.”

“When I went to court, the first thing the judge said to me was that ‘this happens in all marriages’.”

“The woman goes through all that hard work (of speaking up and reporting the abuse). The police go through all the hard work on the case. Then you get to the courts and you just think ‘why did I even bother?’”

Most women felt that it wasn't just the case of a few individuals having insufficient training, but a case of systemic gaps in the system which resulted in a justice system that reinforced and facilitated abuse instead of protecting women from it.

“All a woman wants to do is walk away, for him to leave her alone to rebuild her life. But the system doesn't let that happen, especially if you have children together.”

“He was always the one who was believed.”

“DV social workers don't have a clue. I begged them to help me and facilitate contact with the children. They told me it wasn't their job to do that.”

“I wouldn't have been able to get through court without the support of Women's Aid.”

“My biggest fear about calling the police was social services coming round. You have to lie and say the abuse didn't happen or they'll take your kids.”

“If you disclose and they don't listen, it is so soul-crushing.”

Women suggested that coercive control, if made criminal, should have to be taken into account in the family court system, especially surrounding child contact.

On perpetrators manipulating statutory agencies and systems:

Women spoke of their abusers' manipulation of other people and systems to avoid detection and punishment, as well as to further abuse victims. One woman said: *“Sometimes abusers use the court system as just another way to abuse you.”* She described her family court experience as *“horrific”*.

“The behaviour he shows to us (victims) is not the behaviour they'll show to police.”

Discussion took place about perpetrators who masquerade as victims as part of their abuse. Several women told the groups that their abusers had used the civil law system to get PIN Notices and Non-Molestation Orders against them. They felt that because they had reacted to their abuser's violence, he would immediately use that against her by going to the authorities and trying to paint a picture where she is equally to blame.

There was a concern raised in several of the focus group that perpetrators could try to use the law against victims like they had witnessed their perpetrator using the family court system. Victims worried about the prospect of perpetrators using a coercive control law in the same way. They stressed that it was important when applying the law to look at the bigger picture and see who is the person with all the control, and identify the pattern of abuse, as opposed to focusing on a single incident where a victim had not acted like the *“perfect victim”*.

When asked if the prospect of perpetrators using the coercive control law vexatiously was a reason not to implement the law, victims unanimously stated that the law was still needed.

Sentencing

Discussion took place over whether victims just want the behaviour to stop, or whether they want to prosecute perpetrators. Most women in focus groups felt that lack of effective punitive sentencing and criminal recognition of psychological abuse was allowing perpetrators to act with impunity. They voiced strong opinions that the system was effectively colluding in allowing abuse to continue, by sending the message that the State did not take this abuse seriously or punish the behaviour effectively when it had taken place.

“Looking at the way sentencing reflects domestic violence, I do not think it’s taken seriously at all. If someone stole my car they’d be more likely to get a serious sentence than if they tortured me for years.”

One woman had serious concern about juries in domestic violence trials, and their inability to understand the complexities and seriousness of domestic violence. She felt that juries often reflect the century-old myths about domestic violence that have not yet been effectively dispelled from society’s way of thinking about domestic violence. It was felt that there should be specific guidance given on the nature of domestic violence so that every jury considering this issue would understand the issues they are dealing with.

“We need to educate the public. How can you be on a jury if you don’t understand? If you don’t understand it’s impossible for you to make an educated decision.”

“Too many are getting off with suspended sentences. I have 5 stitches in my mouth, 3 in my neck, and he got a suspended sentence. He left me for dead.”

On the need to protect future victims

There was a strong desire among the women in all focus groups to make sure that no one else ever had to live through what they had endured. Women spoke both of the government’s responsibility to prevent further abuse, and also talked about their personal desire to protect future women from their abuser.

“If you imagine a shoplifter who has targeted one shop. If you put measures in place to just stop them shoplifting from one shop, they’ll just move on to another shop. Is that right?”

“He’s not that long out of prison and he’s already abusing another woman as well as harassing me. He’s done 2 perpetrator courses, he broke into my house and assaulted me while he was on the perpetrator programme. If he’d been given a harsher sentence, he might not have felt so free to do that.”

Support for specialist Domestic Violence courts

There was widespread support for the idea of a specialist domestic violence court, where all domestic violence-related cases were heard by specialists with a comprehensive understanding of the nature of domestic violence and coercive control.

“If you go into a court system where they’re specialists, you’ll feel safer and more confident and supported.”

Women noted the “contradictory” nature of the courts system, whereby the civil and criminal process focuses on getting a victim to safety and away from the perpetrator, then the family courts insist on a

victim being involved in ensuring that child contact happens, even if there is a non-molestation order in place.

Many women felt that a specialist domestic violence court might overcome this contradiction and put safety and protection from abuse of victims and their children first.

Evidence to prove coercive control

Women agreed that coercive control is not a one-off incident or event. It is a pattern of controlling behaviour. They felt that on the one hand no one should be convicted of coercive control over a single incident, but also that if there is a pattern of behaviour then this demonstrates clear intent. Women also highlighted the need for police understanding, training, and persistence when working a case where there was a psychological abuse element.

“It’s not something you’ll get in one interview with police (in terms of gathering evidence). Police need to go talk with Women’s Aid to get a picture of what’s been going on.”

Women suggested that police *“need to build up a portfolio of evidence”*

Women told us how they already had difficulties proving that the abuse was happening, saying it’s often *“my word against his”*.

One woman shared her experience of nothing being done about her abuse:

“When I was in couples mediation with Relate, the facilitator told me that he was subjecting me to coercive control. Yet when I went to social services to protect my children, the social worker said it would be my word against his. They told me that he would claim the opposite of what I was saying. They let him away with it before he even opened his mouth.”

The woman felt that if coercive control was a crime, social workers would have to take these claims seriously and not inadvertently collude with perpetrators by not investigating or taking action on her allegations.

Discussion took place about how to collect evidence when there was less tangible evidence than cuts or bruises. It was suggested that Women’s Aid workers would be able to help in this regard to paint a picture of the perpetrator’s behaviour, particularly if the perpetrator continued to try and abuse the victim after she had started engaging with Women’s Aid services.

It was agreed that even though perpetrators were clever and manipulative, they were reasonably predictable in that they had a particular process and method of abuse. Women strongly agreed that the use of expert witnesses in helping the court understand that process and motivation would be instrumental in building evidence for coercive control.

“When you doubt everything that you think because of abuse, a court situation will only enhance that doubt. That’s why we need experts in the room to back us up.”

“You need to know there’s an expert in your corner. Because when you go into that courtroom it’s warfare with a skilled abuser.”

Women also suggested that as Northern Ireland is quite familiar with victims who suffer PTSD on account of the Troubles, it may actually be easier to demonstrate PTSD in victims caused by coercive control here than in England & Wales. They argued that experts in PTSD would know the effects of abuse on victims and would be able to explain both perpetrator and victim behaviours.

Women in focus groups advocated a holistic approach to capturing evidence, which included text messages, social media posts, phone records, CCTV footage and anything else that establishes a perpetrator's pattern of behaviour. They were also extremely supportive of the idea of body worn cameras to capture the aftermath of incidents and show the fear that victims feel.

Drawing on her own experience of abuse, one woman commented *"I bet there'd be nothing more powerful than a video showing a victim asking for their abuser's permission to speak in front of the police officer."*

Some women felt that recordings should be able to be used as evidence, perhaps not solely or just for one incident but as part of evidence of sustained abuse and coercive control. One woman mentioned that she had heard about recording devices that police could give to some victims to hit a button when abuse started, which would call emergency services so they could hear what was going on at the other end of the line and respond accordingly. She felt that such calls should be recorded and used as evidence, both for any physical violence that took place and also as evidence of coercive control.

Women generally agreed that it would take time and patience to gather evidence of the picture of coercive control. One woman pointed out that her experience of a police interview and then a 20 minute conversation with a prosecutor before going into trial was not enough for agencies to gain an understanding of the breadth of abuse she suffered. In her opinion this led to professionals making *"snap judgments"* that were not necessarily accurate or helpful.

One woman recounted how she tried to obtain CCTV footage from her child's school, as an abusive incident had taken place on the grounds during a school play. However despite her efforts she had never managed to get that recording. She stated that if evidence for coercive control was to be successfully collected, it would take more help and support on the part of non criminal justice institutions and society in general.

One focus group suggested that something like a Victim Impact Statement could be utilised at a much earlier stage in the criminal justice process, as this could provide information on the impact of psychological abuse on victims. They suggested a questionnaire or *'emotional DASH form'*, similar to the kind of questionnaire that is used when applying for DLA.

It was also suggested during discussions that if a victim has told their perpetrator how the abuse is affecting them, it cannot be said that the perpetrator did not reasonably know that their behaviour would have such an impact.

A woman in one of the focus groups had brought a 50-page document with her, where she had been recording the abuse she had experienced. She had hoped to use it as evidence for a non-molestation order, and later for divorce proceedings. She said her barrister had advised her not to use it in the divorce proceedings as she is legal aided and the admission of so much contentious information would drive up costs. She said she hoped that documentation such as this would be able to be used to help police build a case for coercive controlling behaviour.

Victim blaming

"We're always struggling to prove that we're telling the truth. Meanwhile they're getting away with it and continuing to abuse you and the children."

"It breaks you down even further when you're having to prove yourself to agencies"

Women identified how perpetrators used women's mental health against them to remove children and perpetrate further abuse. This is in spite of the fact that the mental health issues were caused by the abuse in the first place. One woman described how *"he was always so calm and collected and charming to social services and the courts. And I was a mess. And that worked against me, even though my mental state was the direct result of his years of abuse."*

Women in several groups expressed views of how the system currently blames and punishes them for their situation. They gave examples such as:

- punishing victims instead of perpetrators for *'failing to protect the children from him, then turning round and giving him access to the children'*
- Seeing women as the weaker sex, and assuming that a woman cannot be a victim if she retaliates to the abuse in any way

Women in the groups spoke passionately about how the system must move away from old victim-blaming myths about domestic violence.

Effectively implementing the new law

Women agreed that a law would be useless unless there was training to ensure that police, social workers, court welfare staff, solicitors, barristers and particularly judges understood what the law is about and what domestic violence is about.

Robust discussion took place about how few domestic violence perpetrators are currently convicted of any crime. Women shared their experiences of serious violence where no convictions were secured, or cases brought. They felt that this approach belittled their experiences and gave a message to perpetrators that domestic violence won't be taken seriously.

One woman said:

"He put a hammer through my head and left me for dead. He ended up going to prison, but not for that. He's in for something not connected to the abuse."

The woman described how her abuser still continues to harass her with abusive phone calls and letters from prison, and that nothing has been done to stop it. She said that if there was a coercive control law, these calls and letters should be able to be used as evidence of his abuse.

One woman asked about whether there would be funding for new initiatives, to ensure that there was training and education / awareness around them. She noted that domestic abuse was so common that police and courts could be overwhelmed if things weren't put in place to help the law to be enacted properly.

Women in focus groups generally agreed that for the law to work, victims needed access to expert support at the earliest possible stage. They spoke about expert support like Women's Aid services as being vital both at the earliest stage of the abuse so that it can be stopped quicker, and at the earliest

possible stage of the justice process so that they have the support to keep them engaging with the system.

Women also agreed that support needed to be from experts who understand the complexities of domestic abuse.

“My experience of Women’s Aid was fantastic. But if I’d been relying on the first person that I went to for help I wouldn’t have got to where I am today.”

Education and awareness raising

Women in all focus groups spoke passionately about the need for more preventative education at all school levels and better awareness raising about coercive control and the nature of domestic abuse. They felt that this was crucial to ensure that a domestic abuse law was effective, as it would require those in the justice system and on juries to understand it. They also felt that if there was better education, more victims would be able to identify abuse earlier on and be able to take earlier action to protect themselves and end a relationship before abuse escalated.

“A lot of the public think that domestic violence is physical violence, or that’s it’s to do with the drink. They don’t understand until they’ve been there themselves.”

“Coercive control should be part of the curriculum, we should all know about it.”

“Especially where young people are concerned, sometimes you don’t know what you don’t know. You need to be educated and told that him checking your phone and telling you what to wear isn’t normal.”

Barriers to justice

Some women pointed out that it was extremely intimidating going to the police to report abuse, and that this would still be an issue with a coercive control law in place. They suggested the possibility of more neutral meeting spaces like women’s centres or Women’ Aid resource centres as safe, less intimidating spaces where they could meet with police.

The issue of perpetrators being members of the police force or other statutory agency, or having paramilitary connections, was also raised as a general barrier to getting support and safety.

The potential impact of a coercive control law

One group suggested that coercive control should be a persuasive factor when considering whether to grant Occupation Orders, and that Non Molestation Orders should be granted as standard for psychological abuse as well as physical abuse.

Another woman claimed that a coercive control law might give police powers to act faster. In her case, her perpetrator, who no longer lived in the house, said he was going to come over to the house and kick the door down because she would not grant him access to the house. When she called the police, they advised that she call them again if he followed through on his threat. The woman suggested that a coercive control law may keep women safer as police could act on threatening behaviour, instead of having to wait for a situation where a woman’ life was already in danger before acting.

Appendix B: Summary of focus group sessions – Domestic Violence Disclosure Scheme

Three focus groups were held with victims and survivors of domestic violence and abuse who have been supported by Women’s Aid. These focus groups were held in locations across Northern Ireland in March and April 2016, involving approximately 50 women. The following is a summary of the main issues raised during the discussion of a potential Clare’s Law-style disclosure scheme for Northern Ireland.

Should there be a disclosure scheme for Northern Ireland?

There was overwhelming support for a disclosure scheme. Participants in focus groups generally supported both the Right To Ask and Right To Know elements of the consultation.

The main argument put forward in favour of a disclosure scheme was that it could help women realise that they are experiencing and give them the information and courage to leave.

“If there was a disclosure scheme in place I could have known about my abuser earlier. It’s proof, it’s written, it’s there, you can’t argue with that evidence.”

“You think that you are going mad, and he tells you that you are mad and that it is all in your head. A disclosure from police would help you realise that you are not mad and that he really is abusing you.”

We asked women if they would have used the disclosure scheme if it was available to them at the time, or if they would use it in future. Most said they felt they would have used it at some point if they knew it was available, though one woman admitted that she was *“in so deep”* in her relationship that it was more likely that her parents would have used it. All women who were asked said they would use it in future if they had concerns about a partner, especially after having experience of abuse in the past. They believed it would be very useful in protecting them from becoming repeat victims.

“It would give you a wake-up call that this is serious. More than if just your mum or your sister had said it to you.”

What sort of information should be disclosed?

There was strong opinion that convictions alone were not enough in terms of what information should be passed on. While some women in the focus groups confirmed that their abusers had been convicted of domestic abuse related crimes, most said that they had not, or that the crimes their abusers were convicted of were not related to the abuse. This is in keeping with wider national trends on convictions for domestic violence-related offences. There was huge support among women for a wider scheme including police intelligence and concerns over a potential perpetrator’s past history of domestic violence.

“He put a hammer through my head and left me for dead, but that’s not what he went in for. He’s in prison for something else not to do with me.”

Some women suggested that *“the likes of Women’s Aid should be able to share information they have.”* Concern was also raised about how long convictions are kept on record and whether this would affect the disclosure given.

Who should be able to ask for disclosure?

Women in focus groups discussed who might ask for a disclosure and who should know the information.

One suggested that her neighbour knew that the abuse was going on and might have called police in the past. She said that if the disclosure scheme had existed, that neighbour might have asked for a disclosure and the police would have been able to tell her that he had previous victims. She believed that she might have left the relationship earlier if the information had been shared with her.

Another woman in our services lived next door to a couple where abuse was taking place. She spoke of being able to hear the woman's suffering through the walls and wishing there was something she could have done about it. She said that if there had been a disclosure scheme she might have asked police to go and talk to the woman if he had a history of abusing others. She noted that she would not have wanted to be identified as the person who had asked for the disclosure.

One woman noted that a disclosure from police would have been more convincing than just friends and family voicing their concerns. She said:

"Hindsight is a wonderful thing. My family had concerns, but I was in so deep by that stage I wouldn't listen to them. Maybe if the police showed me evidence that he'd done this before it would have been different."

One focus group brought up the idea of schools being empowered to request a disclosure, if they had noticed any red flags indicating domestic violence from the children in the school. Again, this disclosure would be made to the potential victim, not the school.

It was felt that this could be an alternative route to contacting social services, giving victims the chance to take steps to make themselves and their children safe without running the risk of removing the children from their mother. This view was borne out of a strong fear of social services held by all women in the focus groups who had children.

Human rights considerations

Victims in focus groups, while understanding that there are human rights considerations surrounding data protection, privacy and the presumption of innocence, asked "*what about our human rights?*" They described how domestic violence had amounted to months or years of mental and physical torture where they were in fear for their safety and that of their children constantly.

One focus group discussed how police might err on the side of caution where data protection was concerned, and that the disclosure scheme should clearly lay out police powers to disclose so that potential victims can be safe.

In one focus group discussion, it was felt that human rights considerations of victims are not taken into account in the justice process at all, and that there is a much more tangible understanding and protection of a perpetrator's right to privacy, presumption of innocence, right to access children than the rights of victims and indeed children to be protected from domestic violence, abuse and cruel degrading treatment.

The need for support at the earliest stage of the disclosure process

“Support has to be there from the get go. Especially if it’s someone else who has asked for the disclosure and it’s just police showing up on your doorstep saying that the man you love is an abuser. You’d need someone there, not police, to talk to who know what they’re talking about and understand domestic violence.

“Having someone there in the disclosure interview who understands domestic violence and coercive control is vital”

Women told us that *“if you’re contacting the police, you already know something isn’t right.”* They said that it was important to get support as soon as contact was made as this could save a lot of abuse and risk down the line.

One focus group discussed the idea of having an advocate or *“IDVA-type person round the table”* to help those getting disclosures, and to advise the panel on whether disclosures should be made. One woman said that this would be important especially if women had to talk about their experiences to police when asking for a disclosure. *“Some women would find it really difficult to sit there and talk about their issues without having a supporter there in the room”.*

All women in the groups agreed that specialist support at the earliest possible stage would benefit victims most: *“Having a specialist in the room to help victims through the police questioning and court process would be a lifesaver”.* Some felt that Women’s Aid workers should have a closer role with police and courts and be part of the system instead of running alongside it, to make sure that women got better support faster.

How disclosure should be made

Women agreed that the disclosures should be made as quickly as possible – the earlier the intervention, the better.

Women were concerned about how information would be given to potential victims, especially if it was not them who asked for the disclosure. They pointed out that safety should be the absolute number one concern of police when making disclosures.

“Police just turning up at the door could put a woman at risk if he’s in the house.”

Women in the focus groups had different views of whether or not a victim should be told who asked for the disclosure. Many felt that this information should not be disclosed as it is not important and may lead to friction between the victim and that person. Others said they would have liked to know.

One woman raised the possibility of having an app to be able to find out information or start the disclosure scheme process, and alluded to a similar app in the USA.

Several focus groups suggested that those who take calls about the disclosure scheme should be trained to understand domestic violence and what a person must be going through if they are contacting police to ask about a disclosure. They should be sympathetic and put the caller at ease while also explaining how the scheme works.

It was widely felt that having a support worker in the room when giving a disclosure would be a good thing if it led the woman to take up the service. *“If I had had information about the cycle of violence earlier on, my eyes would have been opened earlier.”*

Focus groups were also very supportive of an idea to hold disclosure interviews in places other than police stations if a potential victim would feel too daunted by the police station setting. There was widespread support for using Women's Aid resource centres or other women's centres as alternative venues.

Concerns raised during discussion

There was a feeling of concern about whether a disclosure scheme would give social services more impetus to take a woman's children away, and that the disclosure scheme could end up punishing women for being in a relationship with someone with previous history of abuse.

There were also concerns from women about what would happen if social services were members of the panel. They worried about the prospect of children being removed from the household without the mother even having any awareness that the partner was an abuser or having only just been given this information, for example if the disclosure had been requested by a third party.

Concerns around victim-blaming

There was agreement among women that a disclosure might not lead to a woman immediately leaving a relationship. It is a lot of information to process, especially if the request for disclosure had come from a 3rd party and the disclosure was out of the blue. Women agreed that there should be no punitive action by police / social services etc if the woman did not decide to leave the relationship in the event of disclosure.

There was also strong feeling that all those given a disclosure, especially women who decided not to leave, should be provided with the tools to protect themselves and their children. One focus group gave the example of the Journey to Freedom programme run by Women's Aid, and said that engaging with support services and doing programmes like this would help women reach their own conclusions about the type of relationship they were in and empower them to leave.

The need for education and awareness of domestic violence to aid the disclosure scheme

Women in focus groups felt that education about abusive relationships in multiple settings would complement the disclosure scheme, by making people more aware of abuse and its nature. This would be of great help both to potential victims and concerned friends, family and members of the public when considering using the scheme.

One woman suggested that faith groups had a role to play in educating about abuse, and suggested that the Catholic Church's pre-marriage course would be a good vehicle for educating both women and men about domestic violence and the right to equality and respect in marriages.

There was massive support for relationships education in all focus groups held. This included education programmes for children and young people at both primary and secondary school age.

"Children should be able to keep themselves safe."

Women in the group also discussed the traditional roles of men and women in society, and the need to change this culture. *"It's the man's role to be head of the household"*. There was a feeling that this patriarchal imbalance was still strong in our society, despite how far we have come.

Thoughts on the Right To Know element

Most women in the focus groups were largely supportive of introducing a Right to Know element to the scheme. They said that if this existed, perpetrators would not feel as confident or act with such impunity.

Some women were less sure of the Right To Know, and worried that police turning up uninvited on their doorstep could put women in danger.

“Abusers aren’t afraid of the legal system. If there was a right to know it would rein them in a bit.”

Women in focus groups largely felt that the right to know falls under the police’s responsibility to protect people.

One woman compared the Right to Know power with Stop & Search laws, whereby the human rights concerns of the person involved are trumped by public safety concerns. She believed that if police could have stop and search powers, why couldn’t they have wider powers to inform potential victims about their partner’s past?

Of the focus groups that we ran, one woman appeared to have benefitted from a police officer using their common law ‘right to know’ powers. She disclosed how she was rescued from an assault that almost killed her by a police officer, who told her in confidence that her perpetrator had abused other women, 2 of whom had since committed suicide separately. This information helped her make the decision not to return to him.

Monitoring serial perpetrators

Questions were raised in one focus group about whether there was a means of flagging a perpetrator and putting him on a list or register if they have been called out to a domestic incident and it concerns the same perpetrator more than once. They believed that such a register should be along similar lines to the Sex Offenders’ Register.

One Women’s Aid support worker who sat in with the group stated that *“At one stage we had four women in our services at the same time, all abused by the same man.”*

“These men have patterns of behaviours and you can clearly see those patterns.”

There was significant support for the idea of a register. Many of the women in the group had been victims of men who had either abused others previously, or had gone on to abuse other women subsequent to them, or both.

The point was made that there is so much sexual violence within domestic violence, and much of the sexual violence isn’t reported but has still happened. The women suggested that a domestic offenders’ register would consequently pick up many sexual offenders who weren’t on the Sex Offenders’ Register due to low reportage rates where a perpetrator is someone’s partner.

“It should impact on their lives as much as it’s been impacting ours.”

“Anything that can be done to stop another woman from living through what I have should be done.”

“Women (victims) carry a lot of shame, and the perpetrator just slopes off to the next relationship. A register would give the perpetrators their own shame.”

The need for a proactive system

In one particular focus group, women voiced strong views on everyone’s responsibility to not just protect themselves but to prevent abuse from happening to the next woman.

“Every one of us would love to protect the next woman so it never happens again.”

“We wouldn’t wish the abuse on our worst enemy.”

One group brought up the issue of grooming, and said that grooming women to be subservient and controlled in an intimate relationship was similar to child grooming for sexual exploitation.

“If we can put things in place to protect children and young people from grooming, surely we can do it to protect women as well.”

Women compared the potential scheme to their own experiences of disclosure, which only happened at the end of criminal proceedings at sentencing stage. One woman recalled how her abuser had been convicted of assaulting her, and it was only when the judge was passing sentence that she found out that he had a significant history of abusing other women.

“If the disclosure only comes out in court at sentencing at the end of the whole process, that’s a failure in the system.”