



Response to
Department of Justice
Consultation on Domestic Abuse
Offence

Contact:
Pauline Leeson, Chief Executive
Children in Northern Ireland
Unit 9, 40 Montgomery Road
Belfast BT6 9HL

Tel: 028 9040 1290
Fax: 028 9070 9418
Email: info@ci-ni.org.uk

1 INTRODUCTION

Children in Northern Ireland (CiNI) are the regional umbrella body for the children's sector in Northern Ireland. CiNI represents the interests of its 160 member organisations providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI membership also includes colleagues in the children's statutory sector recognising that the best outcomes for children and young people are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in NI.

We welcome this opportunity to respond to the consultation on Domestic Abuse Offence & Domestic Violence Disclosure Scheme.

2 CURRENT LAW & CRIMINALISING COERCIVE CONTROL

We agree a new criminal offence which would capture patterns of coercive and controlling behavior in intimate relationships is to be welcomed, it must however focus on gender, acknowledge that violence against women is discriminatory and a violation of a woman's human rights and children should also be recognised as victims within these situations.

Coercive control has been defined by Evan Stark as a 'course of conduct in which a pattern of violence, sexual coercion, intimidation, isolation and

control are used to dominate and exploit a partner and deprive her of her basic rights and resources.’¹

This summary of the pattern of abuse, and non-physical manifestation of abuse which includes the power and control element is still not recognised in criminal justice practice. CiNI believes therefore that the law as it stands does not currently contain sufficient measures to protect women who experience coercive control as it fails to address the cumulative harm so often experienced by victims of domestic violence.

Repeated exposure to this type of trauma has the potential to be extremely damaging, not just to the woman but to children within the family. Research has shown that invariably domestic violence does not come down to one criminal act. It is often the controlling nature of a relationship that can take place over significant periods of time, months or years. A new offence is an opportunity to address this cumulative harm properly. It is our view that victims of domestic violence deserve laws that are as strong as possible in Moreover, any new offence must incorporate protective, preventative and supportive provisions for a woman and her children alongside any criminal offence. This should include, but is not limited to, legal aid in all judicial procedures, access to victim support services, access to local services that offer assistance to the woman and her children (i.e. Women’s Aid services), economic assistance, housing assistance and employment assistance (if needed).

However, we also believe there is a need for robust guidance, increased training and appropriate funding to accompany any new law. There are

¹ Stark, Evan (2012) Re-presenting Battered Women: Coercive Control and the Defense of Liberty http://www.stopvaw.org/uploads/evan_stark_article_final_100812.pdf (Accessed 11/04/16)

many who work within the statutory services who fail to understand the nuanced behavior that constitutes attempts around coercive behavior and control within relationships. There is a danger therefore that if any new law also incorporates statutory guidance and a clear plan for implementing this in practice to ensure justice for victims of domestic violence.

We also recommend mandatory training for all public sector workers on not just the new offence but on coercive control and its effects. This will ensure a consistent approach across the country and will ensure a joined-up response to ensure the issues experienced by women are dealt with appropriately.

Alongside this, we believe it is imperative that more investment needs to be made in the services that provide support women and their children who experience domestic and sexual violence.

3 CHILDREN & DOMESTIC VIOLENCE

We believe there is a need to recognise children's experiences of domestic violence and abuse, this also involves their experience of coercive and controlling behavior within families. Without taking this in to account any measures put in place would be ineffective when it comes to helping children and young people living with domestic violence. The extent and impact of domestic violence on children is well documented and research evidence suggests that its psychosocial impact can be severe with children who grow up in families affected by domestic violence having a higher risk of mental health difficulties throughout their lives.

Despite this clear evidence that children experience significant harm in families where domestic violence occurs, they remain largely conceptualised as 'witnesses' rather than 'victims'. Further, there is limited research that

engages either with children's lived experience of violence, or more specifically with their experience of psychological abuse and coercive control in family relationships affected by domestic violence.

4 CONCLUSION

We welcome the opportunity to respond to this consultation, while we welcome the introduction of this offence we would add that children remain excluded from most domestic violence policy, and legal definitions do not often include them as victims. All of these issues need to be considered in the drafting of this offence and guidance.