

*Domestic Violence and Abuse:
the UK Perspective*

Neelam Sarkaria

UK Context

- The UK Government has signed and ratified the United Nations call to all states to prevent and respond to violence against women
- United Nations Declaration - violence against women/**girls** includes “any act of **gender-based violence** that results in, or is likely to result in, **physical, sexual or psychological harm or suffering** to women/girls, including **threats** of such acts, coercion or arbitrary deprivations of liberty, whether occurring in **public or private life** (United Nations, 1993)”

UK Context

Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017

A Bill to make provision in connection with the ratification by the United Kingdom of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) received Royal Assent 27 April 2017

UK Context

- No specific offence of domestic violence in England and Wales. A range of offences can be committed in a domestic environment e.g. Forced marriage, assault
- Violence Against Women and Girls Strategy 2016-2020
- Published March 2016
- New offence in England and Wales Serious Crime Act 2015 Section 76 in force 30 December 2015. Closed gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members. Maximum penalty five years
- Domestic violence is a real issue in England and Wales

UK Context

- Until 30 December 2015 no specific offence in England and Wales to deal with domestic violence and abuse
- Controlling and coercive behaviour in an intimate or family relationship became an offence
- Charge a range of offences from common assault to murder in a domestic context, can include forced marriage, threatening behaviour and the totality of criminal offences
- Police and prosecutors work together. Charging advice checklist. Evidence-gathering checklist for police

UK Context – the prevalence

- On average two women are killed by their partner or ex-partner every week in England and Wales
- Domestic abuse-related crime is 8% of total crime
- On average the police receive an emergency call relating to domestic abuse every 30 seconds

UK Context – the prevalence

- Unsuccessful outcomes due to victim issues continue to fall. This is mainly due to the reduction in victim retractions
- 2015/16 Crown Prosecution Service data highest volumes ever recorded of defendants prosecuted and convicted. Volume of prosecutions completed in 2015-16 rose to 100,930 from 92,779 in 2014/15
- Of the 100,930 defendants 25.5% were unsuccessful prosecutions
- Offences committed in a domestic environment

UK Context: recent developments

Cross-Government Definition

‘Any incident or pattern of incidents of controlling , coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexual orientation. This can encompass but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional’

Domestic Violence and Abuse

Controlling behaviour is:

‘A range of acts designed to make a person subordinate and/or dependent on isolation them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour’

Domestic Violence and Abuse

Coercive behaviour is:

‘An act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim’

Domestic Violence and Abuse

- Offence constituted be behaviour on part of the perpetrator which takes place ‘repeatedly or continuously’
- The victim and alleged perpetrator must be ‘personally connected’ at the time the behaviour takes place
- The behaviour must have a ‘serious effect’ on the victim meaning that it has caused the victim to fear violence will be used against them on ‘at least two occasions’, or it has had a ‘substantial adverse effect on the victims’ day to day activities’
- Alleged perpetrator must know that their behaviour would have a serious effect on the victim, or the behaviour must have been such that he or she ‘ought to have known’ it would have that effect

Domestic Violence and Abuse

Who are the victims of domestic abuse?

Anyone can be a victim of domestic abuse. Domestic abuse occurs amongst people of all ethnicities, sexualities, ages, disabilities, immigration status, religions or beliefs, and socio-economic backgrounds

Who are the victims?

a. The Elderly

Mental or physical frailty, and/or mental capacity or physical disabilities may result in elder abuse where health problems, financial dependency, a parent/carer relationship and a shift in the parent/child dynamic could be present.

Elderly victims may find themselves in a mutually dependent relationship with their abuser

Who are the victims?

b. LGBT relationships

Domestic abuse within LGBT relationships often involves an additional layer of complexity:

- There may be some pre-existing isolation from the complainant's family due to the victim's sexual orientation or gender identity
- Where the victim's family are aware of sexual orientation or gender identity, coercive or controlling behaviours used by those family members to deny or hide an individual's sexual or gender identity

Forced Marriage

Who are the victims?

c. Teenage relationship abuse

- In private between teenagers. This means that victims will be more likely to live away from direct or immediate physical abuse
- A teenage victim may also suffer physical abuse and patterns of coercive or controlling behaviour for example, abuse through texts, email, social media, snapchat, instagram, facebook, twitter and gaming sites may be more prevalent in relationships between young people
- Abuse and violence irrespective of their race, religion, class, culture

Who are the victims?

d. Minority communities

Victims from the minority community suffer the additional pressures of bringing shame to their families where they report incidents of domestic abuse. Pressure can be exerted through the community, extended family here and overseas. The victim may also be denied access to finance, healthcare and friends

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Who are the victims?

e. Could include our friends, neighbours, work colleagues

Domestic abuse occurs amongst people of all ethnicities, sexualities, ages, disabilities, immigration status, religions or beliefs, and socio-economic backgrounds

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Case examples

From 31 December 2015 to 31 March 2016 five prosecutions completed under the new offence – two defendants convicted under the new offence; one convicted of harassment; one convicted of common assault and one was unsuccessful

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Issues - Domestic Violence and Abuse Cases

1. Safety of the victim
2. Counter-allegations/defence
3. Bail conditions
4. Contact by family members and friends
5. Special measures to assist evidence giving in court
6. Quality of victim statement
7. Other evidence – photographs, medical
8. Children at the scene
9. Passive Communication data – social media, facebook
10. Any civil orders?

Case studies

Mohammed Anwar – May 2016

- Jailed for 28 months for prolonged series of attacks, and restrictive and abusive behaviour towards his former partner Gemma Doherty
- 10 charges – 10th was the new offence due which he received 12 months imprisonment
- He told the victim who she could see, what she was allowed to wear and what she was allowed to eat. He forced her to use the treadmill everyday, showing her pictures of other women's bodies and telling her that she did not look as good as they did
- Mixed in with Anwar's controlling behaviour were violent attacks, the most serious in August 2014. Charge of actual bodily harm. Anwar smashed her iPhone before attacking her with slaps and kicks, choking her causing her to fall unconscious
- He assaulted her on five other occasions often in front of the children

Case studies

Sam Williams – April 2016

- Subjected his victim to controlling and coercive behaviour. He rarely allowed the victim to go out alone but when he did he would keep track on her movements by asking for parking receipts
- He continuously belittled the victim and made her believe that she needed only him, pushing her family and friends away. He checked her social medial accounts and phone messages, and controlled her appearance by telling her what to wear and changing her hairstyle
- Sentenced to 18 weeks imprisonment suspended for eighteen months for the controlling and coercive behaviour and the assault. The two sentences were concurrent and he was ordered to pay £100 compensation

Case studies

Adrian Lee

- Sentenced to six months imprisonment and a two year Restraining Order
- He prevented his victim from seeing her friends and further isolated her by stopping her from using her mobile phone and controlling her social media by making her delete friends on Facebook

Case studies

Domestic Homicides

- A man was found guilty for murdering his ex-partner who had ended the relationship with him and was expecting a new baby with her partner. He was jailed for life with a minimum tariff of 18 years
- A man was found guilty of murdering his 47 year old partner. Her body was found by a co-worker at her office and, following a detailed investigation, the police were able to track her partner's movements and identify him
- Following an argument, the offender attacked her with such force that she died from her injuries. Rather than calling emergency services he fled. He was sentenced to a minimum term of 17 years

Criminal Law and Civil Law

A number of civil orders may be used by complainants in the civil and family courts prior to reporting to the police:

1. Domestic Violence Protection Notices and domestic violence Protection Orders (DVPOs)
 - DVPOs came into force 8 March 2014 and provide the police with the power to provide immediate protection to victims against alleged domestic abuse perpetrators in circumstances that the police consider there are no enforceable restrictions that can be placed on the defendant
 - Breach is a civil offence – fine or two months imprisonment
2. Injunctions

Criminal Law and Civil Law

3. Non-molestation orders

4. Restraining orders – civil. CPS can apply on conviction or acquittal

5. Criminal behaviour orders – designed to protect the wider community

6. Forced marriage protection order

AND

Claire's Law – Domestic Violence Disclosure Scheme from March 2014. Individual can ask the police to check whether a new or existing partner has a violent past 'right to ask'. Police consider request 'right to know'.

Trial Presentation

- Special measures to enable victim to give evidence if vulnerable and intimidated e.g. Live links, screens
- Victimless prosecutions – bodyworn cameras, not forcing victim to give evidence
- Support for victim through Independent Domestic Violence Advisers
- Police risk assessments ensure victim receives correct support
- Victim Personal statements

UK Context

4 pillars – prevent, provide, partnership, reduce the risk:

- **Prevent** such violence from happening and challenging the attitudes which foster it and intervening early where possible to prevent it
- **Provide** adequate levels of support where violence occurs
- Work in **partnership** to obtain the best outcomes for victims and their families; and
- Take action to **reduce the risk** to women and girls who are victims of these crime and ensure that perpetrators are brought to justice

Thank you

Neelam Sarkaria

Twitter: @n66lam