

For the clear majority of victim's abuse is a not a single event. It does not end the day someone flees their home, nor does its impact. Domestic violence will affect multiple aspects of victims lives: their health, safety, the lives of their Children. For these reasons, the breadth of victim's reliance on Domestic Courts for Justice and protection is similarly wide, encompassing criminal, civil and family justice.

In the course of supporting women over the last 40 years Women's Aid have borne witness to Victims frustrations with the justice system in Northern Ireland. Women continue to feel let down by lack of communication, lack of consistency between courts, misunderstanding of the nature of domestic violence within the justice system, excessive delays and adjournments, and lenient sentencing.

We are encouraged by new initiatives such as the problem-solving domestic violence court to Northern Ireland. However, we feel that changes could go much further than limiting the scope of the court to criminal proceedings, with the potential for civil proceedings to be potentially integrated in the future. For example, an integrated domestic violence court model, assigning one judge to a family for criminal, civil and family issues relating to domestic violence, could overcome many of the problems victims currently experienced in the courts.

Under the current system, a victim of domestic abuse may be recognised as a victim in criminal or civil context, only to go down the hallway to a family court where the facts pertaining to her abuse are disregarded or minimised. Hester<sup>1</sup>, describes this as the Three Planets Theory, where three types of law and three sets of priorities are misaligned, ultimately to the detriment of victims and their children. On the first planet, the criminal and civil sphere, domestic violence is a crime and action is taken to protect the victim from the perpetrator. On the second planet, the child protection planet, the welfare of the child is paramount. Therefore, the victim is told to remove herself and the children from the perpetrator or be punished for failure to protect. Thus, the focus shifts from perpetrator to

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See Hester, The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and

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victim. On the third planet, the child contact planet, the focus is on the child having two parents. An abusive father is nonetheless deemed a good enough father. So, a woman who has tried to protect the child from his violent behaviour by calling in the police and supporting his prosecution on the domestic violence planet, and by leaving him as instructed on the child protection planet, is now ordered to allow contact between her violent partner and children, leaving her confused and fearing yet again for the safety of her children. It is only by reconciling these contradictions, and operating a justice model where criminal, civil and family courts have a thorough and unified understanding of domestic violence and its relationship to child protection and child contact, that we can resolve the issues faced by domestic violence victims in our justice system.

We would also urge that other features of the integrated model are included in Northern Irelands domestic violence court. This could include:

1. independent support advocates for victims throughout all court engagement,
2. improved measures to hold perpetrators to account (such as better enforcement
3. of penalties, strict sanctions for breach of non-mols, bail decisions that reflect an
4. understanding of DV),
5. ongoing training in domestic violence for staff, and
6. improved efficiency in court proceedings and shorter timeframes and delays for
7. cases.

### **Specialist training**

As the pilot in Derry has shown, commitment and close partnership between judiciary, agencies and experts in the field are crucial to underpin successful reform. Of equal importance is a nuanced understanding of the nature of domestic violence, and the unpicking of the many myths that pervade in popular thinking about domestic violence. Significant leadership has been shown by Judge McElholm in educating and informing the court and local agencies about domestic violence, its impact and the barriers to justice which many victims fail to overcome. Similar creativity and problem-solving is evident throughout the profession; examples of good practice such as District Judge Meehan's application of stringent bail conditions to domestic violence perpetrators, and view that instigating Article 8 Children Order proceedings to engage a victim in litigation can be construed as a breach of bail, are very encouraging. However anecdotal evidence persists of court hearings where stereotypical

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or victim-blaming attitudes continue to be espoused. Examples include cases where an abuser was acquitted because the judge did not believe the victim as she had resumed the relationship after a previous assault, and Cases where victims re blamed for “having drink taken”, This highlights inconsistency in understanding domestic violence across the Northern Ireland judiciary.

To that end, training of professionals engaging with domestic violence cases is crucial. Good practice dictates that the delivery of a specialist domestic violence court should include expert training of judges and prosecutors on an ongoing basis. Women’s Aid believes that this training should come from experts in the field, who are best placed to deliver it. We are also of the view that such training should extend to all professionals working closely

We are also of the view that such training should extend to all professionals working closely with domestic violence victims, such as Social Workers, Children’s Courts Officers solicitors and so forth. In our professional experience supporting women through the court process, we note that women frequently report issues with CCOs, including lack of understanding about domestic violence and lack of understanding or knowledge of their case and the relevance of domestic violence to it. Training, coupled with efforts to better align the three planets with which domestic violence victims engage, would be very welcome.