Domestic Violence and Abuse: the UK Perspective

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- 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)"

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

- No specific offence of domestic violence in England and Wales. A range of offences can be committed in a domestice 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

- 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 expartner 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 us not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional'

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'

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'

- 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

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 socioeconomic backgrounds

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

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

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

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

e. Could include our friends, neighbours, work colleagues

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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

Issues - Domestic Violence and Abuse Cases

- 1. Safety of the victim
- 2. Counter-alllegations/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
- Other evidence photographs, medical
- 8. Children at the scene
- 9. Passive Communication data social media, facebook
- 10. Any civil orders?

Mohammed Anwar – May 2016

- Jailed for 28 months for prolonged series of attacks, and restrictve and abusive behaviour towards his former partner Gemma Doherty
- 10 charges 10th was the new offence doe 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 series in August 2014. Charge of actual bodily harm. Anwar smashed her iphone beforeattacking her with slaps and kicks, choking her causing her to fall unconscious
- He assaulte her on five other occasions often in front of the children

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

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

Domestic Homicides

 A man was found guilt for murdering his ex=artner who had ended the relationship with him and and was expecting a new baby with her partner. He was jailed for iife with a minimum tarrif of 18 years

- A man was found guilty of murdering hish 47 year old partner. Her body was found by a co-worker at her offie 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 intò force 8 March 2014 and provide he police with the power to 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 given 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

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 bought to justice

Thank you

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