

FOOTPRINTS WOMEN'S MOVEMENT

Domestic Violence & Non-Molestation
Orders

A Call to Action



2014

Foreword

For the last 3 years Footprints Women's Centre and human rights organisation Participation and the Practice of Rights have been working with women from the Colin neighbourhood who came together to tackle their concerns around the way in which the PSNI currently approach Non-Molestation orders. The group has now formed as Footprints Women's Movement and has gathered evidence on the impact of domestic violence in their community and, more specifically the effectiveness of Non-Molestation Orders as a response to domestic violence.

Our concerns are based upon the actual experience of women living in the Colin neighbourhood who have been issued with Non-Molestation Orders and the experience of Footprints Women's Centre who have provided essential support services to women and children affected by domestic violence for more than twenty years.

Our aim is to use our experience to make change for others experiencing domestic violence.

We seek the following changes:

- **That the PSNI adopt a policy of routinely informing the person who has taken out a non-molestation order that it has been served on the perpetrator.**
- **That the PSNI set and monitor an official target for when non-molestation orders should be served.**
- **That PSNI provide written information to the person impacted by domestic violence on how to obtain and renew a non-molestation order, and the process that should be followed when they are breached.**

The changes we propose are in line with the commitments government has signed up to at UN level. They are modest (in some areas they are already in place), practical and could go some way to ensuring those who have been victims of domestic violence feel safe.

We need to ensure there is capacity, skill and agreed set of standards within services to enable effective advice and support to meet the needs of victims and survivors of domestic violence. Non-Molestation Orders are put in place by courts to protect the victim, to provide safety and reassurance and peace of mind. They are also important to show the perpetrator that they will be made accountable and that domestic abuse is unacceptable.

Non-molestation orders are important, they should be treated as priority, enforced efficiently, taken seriously at all times and not left on a desk until someone is ready to deal with it.

We need to break the cycle of abuse and the impact it has on the children. This is why we seek change.

By Anne, Footprints Women's Movement

“Adequate Protection...Appropriate Support” (CEDAW 1989)

A CALL FOR ACTION: Footprints Women’s Movement 2014

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Why are Non Molestation Orders so important?

To show that DOMESTIC VIOLENCE IS UNACCEPTABLE BEHAVIOUR

"To make people feel confident ... they can gain back control of their life"

"HELPS BREAK CYCLE OF ABUSE"

"Shows sons that is not acceptable"

"To show that a perpetrator is being held accountable"

"SO THEY CAN SEE THERE IS A WAY OUT"

"Shows MUMMY can get away from this behaviour"

"REASSURANCE
PEACE OF MIND.
SAFETY"

"SO THAT DOMESTIC VIOLENCE IS RECOGNISED AS A CRIME"

"KIDS are affected too ...
If a woman feels safe,
it will impact her children"

"It's part of legislation - it's legal - they need to be stronger, more effective"

"to protect the victim"

"SHOULD BE TAKEN SERIOUSLY"

Domestic Violence in Northern Ireland

Domestic violence is defined by the Police Service of Northern Ireland (PSNI) as:

*‘any incident of threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation’*¹

In Northern Ireland there are **60** incidents of domestic violence reported **every day**. On average, **five people die every year** as a result of domestic violence in Northern Ireland. Reports of domestic violence account for approximately **one-fifth of all recorded violent crime** in Northern Ireland.²

The majority of victims are female. Underreporting of domestic violence makes it

THE HUMAN RIGHTS CONTEXT

likely that official statistics are only the tip of the iceberg.

The **International Covenant on Economic, Social and Cultural Rights**

“The States Parties to the present Covenant recognize that:

10. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.”

(ICESCR) was signed by the UK government in September 1968 and it came into force in May 1976. Article 10 (1) of ICESCR states:

¹ http://www.psni.police.uk/domestic_abuse_definition.pdf

² <http://www.womensaidni.org/domestic-violence/domestic-violence-statistics/>

The UK is also party to the **Convention on the Elimination of Discrimination against Women (CEDAW)** signed in July 1981 and coming into force in April 1986.

The Committee, which oversees state compliance with the obligations they have committed to through CEDAW has made several recommendations in relation to the issue of violence against women.

General Recommendation No. 12 (eighth session, 1989) of the **Committee on the Elimination of Discrimination against Women** states at paragraph 23:

“23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.”

The Committee makes a specific recommendation that:

“24 (a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;

(b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;

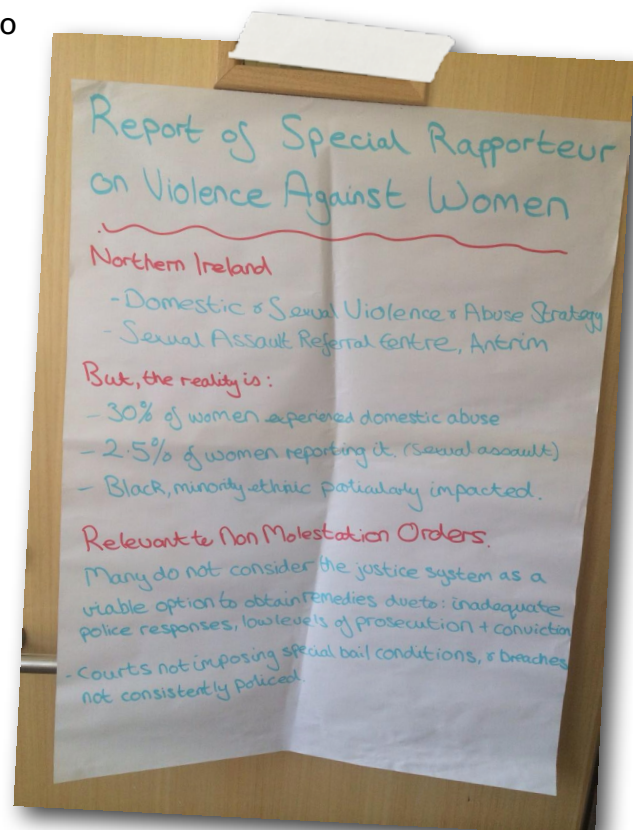
(c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and

Special Rapporteur on Violence against Women

The commitments above were reiterated again in April this year (2014) when the **UN Special Rapporteur on Violence against Women**, Ms. Rashida Manjoo undertook a **16 day mission to the United Kingdom, including a visit to Belfast.**

Ms. Manjoo is due to present her report to the UN Human Rights Council in June 2015. However at the end of her mission she delivered a statement which reflects the concerns of the Domestic Abuse Action Group, which included the following:

"Many of my interlocutors of all ages and background indicated that they do not consider the justice system as a viable option to obtain remedies, due to a number of reasons ranging from the inadequate police responses, the lack of coordination among the various State agencies, the low levels of prosecution, and the negligible conviction rates in such cases"



She goes on to quote the report of **Her Majesty's Inspectorate of Constabulary (HMIC) "Everyone's business: Improving the police response to domestic abuse"** published in March 2014 which found that:

"Domestic abuse is a priority on paper, but in the majority of forces, not in practice"

NORTHERN IRELAND POLICY CONTEXT

The current domestic abuse strategy ‘**Tackling Violence at Home: A Strategy for Addressing Domestic Abuse and Violence in Northern Ireland**’ was put in place in 2005.

In April 2014, consultation closed on a new strategy ‘**Stopping Domestic Abuse and Sexual Violence in Northern Ireland 2013 – 2020**’, issued by the Department of Justice, and the Department for Health, Social Services and Public Safety. The joint Ministerial foreword states that at the heart of the strategy is:

“A vision of zero tolerance to domestic and sexual violence and abuse in our society. We know that it will take considerable time to achieve this goal, and even if the incidence of violence and abuse falls, robust protections still need to be put in place for those at risk, and victims need to be supported”

The strategy has five strands. **Strand 3 – Delivering Change** focuses on preventing further violence and abuse of those victims who are at risk of the violence re-occurring. It is about building more responsive services for those who need them.

The outcome identified for the Delivering Change strand of the strategy is:

“Responsive services for individuals and/or groups at risk of, or subject to, domestic and sexual violence and abuse and its reoccurrence”

The importance of providing information on services and processes is underlined in **Priority 15:**

“The provision of information on available services will be reviewed to take account of the development of an integrated pathways approach to tackling domestic and sexual violence and abuse, and the diversity and emerging needs of client groups”

The Delivering Change strand also includes as **Priority 17** that:

“The commissioning and provision of services will be informed by the views of those who have been affected by domestic and sexual violence and abuse, or are at significant risk of it”

Strand 5, relating to **Protection and Justice** aims at the following outcome:

“Provision of effective, engaged, supportive, responsive and timely protection and justice in relation to domestic and sexual violence and abuse”

Non-molestation orders are referred to in this strand, at para. 4.113:

“Many victims seek protection through the civil justice system (e.g. applying for a non-molestation order, non-harrassment injunction etc.). It is important that victims and their families can access appropriate protection, support, information and assistance on the civil side. One way in which this can be done is by securing the provision of efficient and effective civil proceedings. We are committed to ensuring the most vulnerable, seeking protection, can do so through the continued provision of legal aid”

We believe there is an opportunity to make improvements to non-molestation orders that go beyond continuing to provide legal aid, and meet the outcome of ensuring ‘effective, engaged, supportive, responsive and timely protection’ in line with this outcome in the ‘Stopping Domestic Abuse and Sexual Violence in Northern Ireland 2013-2020’

Criminal Justice Inspectorate Report

In October 2013, the Chief Inspector of the Criminal Justice Inspectorate Brendan McGuigan issued a report entitled **‘Domestic Violence and Abuse: A follow up review of Inspection Recommendations’**. He stated:

“In 2010, Criminal Justice Inspection Northern Ireland (CJI) urged the PSNI to adopt a more consistent approach to how officers respond to incidents of domestic violence and abuse.”

He continued:

“Three years on, Inspectors found that differences in practice and approach still remained between different PSNI officers and police Districts, despite the further development of the PSNI domestic incident policy aimed at fostering a consistent approach”

Non Molestation Orders – Appropriate and Effective?

The Footprints Women's Movement submitted a series of **Freedom of Information requests** to find out more about how Non Molestation Orders were working in Northern Ireland, and in the Colin area specifically.

The **PSNI statistics branch** gave us the following information:

- **180** Non-Molestation Orders (NMOs) have been served between 1 January 2011 – July 2013 in Colin Neighbourhood (Colin Glen, Poleglas, Twinbrook, Lagmore and Kilwee)
- In 2012/2013 there were **24 breaches** of Non Molestation Orders in the Colin area
- In 2012/2013 there were **8 convictions for breaches** of Non Molestation Orders in the Colin area.

Notably the Freedom of Information request highlighted that **some Policing Districts have a policy of informing the victim of service** e.g. District D. However the PSNI response made clear that this was not a policy adopted across the Districts.

In response to a Freedom of Information dated 8th July 2013 the PSNI state in the cover letter that

"We, as police, do not routinely contact the victim to inform them of service. We would only do this if the victim contacted us and asked us to do so"

However on the second page of a document entitled 'Service and Accountability of Non-Molestation Orders within D District' which was received in response to the Freedom of Information request it states:

***"The local neighbourhood/response or other team will upon receipt of the NMO do the following:
Ring the victim and inform them of service"***

An **email** was sent to PSNI on 27 August 2013 for clarification and asked:

"Could you confirm whether it is policy for PSNI to contact the victim/complainant and inform them that the NMO has been served?"

10 Sept 2013 **response** from PSNI:

"In response to your second query I have been advised that policy can differ from District to District and there is currently NO service policy and the information supplied in our original response is taken from 2 different districts."

Footprints Women's Movement also submitted a Freedom of Information request on 19th September 2014 to identify if any policy existed requiring monitoring of the time taken to serve a Non-Molestation Order once it is issued by the Courts Service, and any target/guideline time within which the PSNI deems an NMO should be served.

The PSNI's response on 27th October 2014 stated that there was **no overall policy in place** across PSNI districts that requires monitoring of the time taken to serve a non-Molestation Order, and **no target or guideline time** existed within which the PSNI deems a non-Molestation Order should be served.

Footprint Women's Movement Outreach

The nature of domestic abuse means that women often suffer in silence, are very fearful and reluctant to discuss their experiences. Despite this, the Footprints Women's Movement spoke with nine local women impacted by domestic violence about their experience with Non-Molestation Orders.

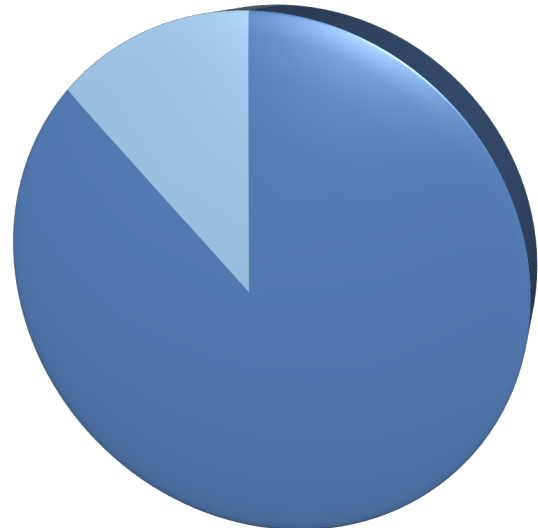
Summary of Responses:

9 women were interviewed from the Colin area.

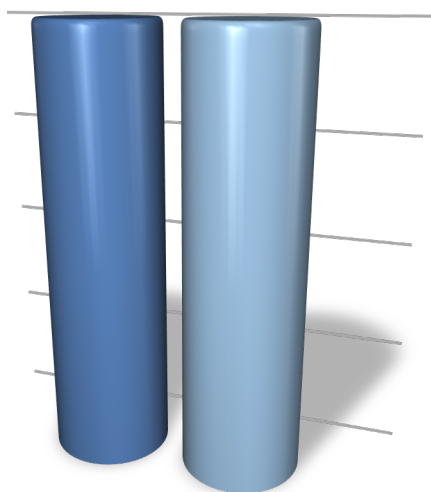
8 of the women had **made applications for Non Molestation Orders**

All applications for Non Molestation Orders were **granted**

7 of the women **received a copy of the order, 1 did not**



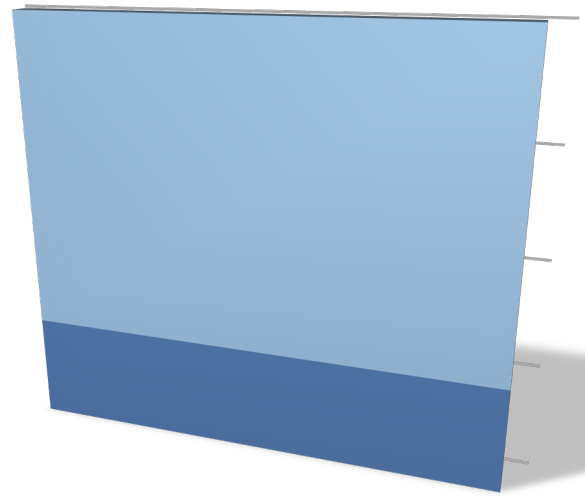
● Received a copy of the order
● Did not receive a copy of the order



4 of the women were **phoned when the order was served, 4 were not**

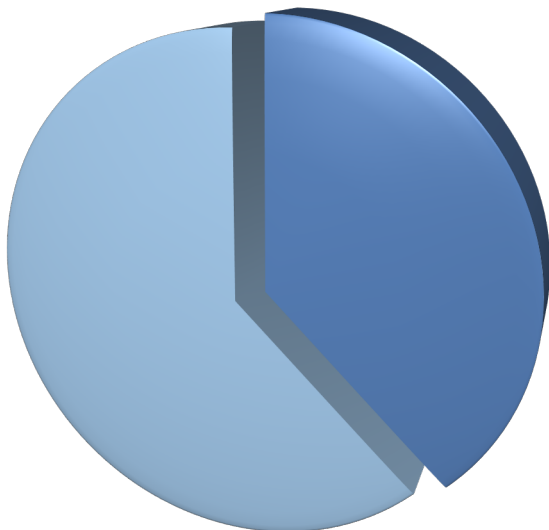
■ Were phoned when the order was served
■ Were not phoned when the order was served

The Non Molestation Order made **2** women feel safe. **6 did not feel safe**



■ Did NOT make woman feel safe
■ Did make woman feel safe

In **6** cases the Non Molestation Order was **breached**



3 women think Non Molestation Orders are effective. **5** think they are **ineffective**.

● Thought NMOs are effective
● Thought NMOs are ineffective

What Needs to Change

Our work to date has led us to identify **three simple changes** that would make non-molestation orders in Northern Ireland...

- ...more **appropriate** and **effective** in line with **international human rights** standards.
- ... directly in line with local direction on policy as outlined in the **Draft Stopping Domestic Abuse and Sexual Violence in Northern Ireland (2013–2020)** strategy, and embody the commitment to **ensure services are shaped by those with experience** of domestic violence.
- ...they would also **help those affected by domestic violence to feel safe**, and to be clear on the pathways to follow to get assistance.

We propose the following:

1) Ensure the PSNI adopt and implement a policy of routinely informing the person who has taken out a non-molestation order that it has been served on the perpetrator. This measure would mean women know that the order is in force and ensure they feel safe and protected. As outlined above, currently some districts do this, and some do not, and we believe this should be standardized across Northern Ireland.

This change is in line with the report of the Chief Inspector of the Criminal Justice Inspectorate Brendan McGuigan who issued a report 'Domestic Violence and Abuse: A follow up review of Inspection Recommendations' in October 2013. In the accompanying press release he stated:

"In 2010, Criminal Justice Inspection Northern Ireland (CJI) urged the PSNI to adopt a more consistent approach to how officers respond to incidents of domestic violence and abuse...Three years on, Inspectors found that differences in practice and approach still remained between different PSNI officers and police districts, despite the further development of the PSNI domestic incident policy aimed at fostering a consistent approach"

2) Ensure that the PSNI set and monitor an official target for when non-molestation orders should be served.

There is currently no target set by the PSNI, and Footprints Women's Movement feel this is vital to ensure consistency of approach and ensure that non-molestation orders are being served promptly across all policing districts.

3) Ensure that PSNI provide written information to the person impacted by domestic violence on how to obtain and renew a non-molestation order, and the process that should be followed when they are breached.

Footprints Women's Movement believe information, (in the form of a leaflet) is an important tool to enable victims of domestic violence to feel secure and empowered. The importance of providing information on services and processes is underlined in Priority 15 of the Draft Stopping Domestic Abuse and Sexual Violence in Northern Ireland (2013-2020) strategy:

"The provision of information on available services will be reviewed to take account of the development of an integrated pathways approach to tackling domestic and sexual violence and abuse, and the diversity and emerging needs of client groups"



With special thanks to:

