

Domestic Violence Campaign and Bill

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WHAT HAS BEEN WRONG?

Domestic violence is a serious crime which is not reflected in a robust legal framework. The government have published a definition of domestic violence, which is:

“Any incident or pattern of incidents of controlling, coercive, 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 sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional”

Unfortunately, this definition is not reflected in law. In the UK there are scores of domestic violence related homicides or incidents of serious harm every year.

- Last year 7% of women, according to the Home Office, reported having experienced domestic abuse, which is equivalent to 1.2 million women per year.
- Two out of three incidents were experienced by repeat victims.
- The Home Office also reports that in addition two women are killed by a partner, ex-partner or lover per week.
- Last year 400,000 women were sexually assaulted of whom 70,000 were victims of rape or attempted rape.

By contrast the situation in the United States where specific laws exist is startling. Since laws were introduced at various times over the last 20 years, reporting has increased by nearly 50% and incidents of violence have decreased by over a third.

STATISTICS

The available statistics surrounding domestic violence, which have been published by Women’s Aid and the Home Office, are deeply alarming:

- Women on average don’t report abuse until there have been at least **30** incidents.
- UK Police receive a call a minute from the public or victims for assistance with domestic violence. That is over **1,300** calls every day.
- **1 in 3** in three women who attend an A&E department have been domestically abused. The cost to the NHS of the physical care of abused women is **£1.2** billion.
- The cost of mental health care is **£176** million.
- The overall cost of domestic violence for all government departments is **£15.5** billion.
- **1.2** million women per year are the victim of domestic abuse.
- **2 out of 3** incidents of domestic abuse are experienced by repeat victims.
- **2** women are killed by a partner, ex-partner or lover each week.
- **4%** of women last year experienced stalking.
- **400,000** women were sexually assaulted or raped last year.
- Since the age of 16, **31%** of women have experienced domestic abuse.

Women:

- in younger age groups are more likely to be victims of domestic abuse.
- who are separated have the highest risk of domestic abuse.
- living in the East Midland or Wales are more likely to be the victims of domestic abuse than anywhere else in England and Wales.
- living in households with an income of less than £20,000 are more likely to be the victims of domestic abuse.
- who are unemployed are more likely to be the victims of domestic abuse (15%) than those who are employed (6%).
- with long term illness or disability are more likely to be the victims of domestic abuse, by some 13%.

What is needed?

Legislation to criminalise abuse which involves coercive control in a domestic setting must be introduced without delay and if real change is to be accomplished, this should be accompanied by mandatory training for all criminal justice professionals.

A 10 Minute Rule Bill was introduced in the House of Commons on 26th February 2014, which was aimed at making domestic violence and coercive control criminal offences. The Bill received all party support and was spearheaded by Elfyn Llwyd MP (Plaid Cymru).

The Bill sponsors were:

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| Cheryl Gillan (Conservative) | Margaret Ritchie (SDLP) |
| Robert Buckland (Conservative) | John Leech (Liberal Democrat) |
| Sir Edward Garnier (Conservative) | Hywel Williams (Plaid Cymru) |
| Sandra Osborne (Labour) | Caroline Lucas (Green Party) |
| John McDonnell (Labour) | Sir Bob Russell (Liberal Democrat). |

The objectives of the Bill have so far been supported by 104 MPs of all Parties who have signed an early day motion calling for domestic violence to be an offence in its own right.

The purpose of the Bill is to introduce a statutory framework around domestic violence; currently there is no specific law. **The absence of the criminalisation of coercive control is a contributory factor to low reporting, arrest, charging and conviction rates.** According to Women’s Aid only 6.5% of domestic violence incidents reported to the police lead to conviction. Currently 25% of domestic violence cases passed on to the Crown Prosecution Service result in no action being taken.

The bill follows on from the highly successful campaign during 2011/12 for the introduction of stalking laws in England and Wales, which was spearheaded by Elfyn Llwyd MP, Laura Richards, criminal behaviour psychologist, and Harry Fletcher of Napo.

UNDER THE TERMS OF THE BILL

- A person convicted of coercive control would face up to 14 years imprisonment.
- The bill also places statutory responsibilities on the police to develop and implement domestic violence policies, to provide written policies that encourage the arrest and charge of a perpetrator and to make investigation of complaints a priority.
- It introduced mandatory training for all criminal justice professionals in the new law.
- It creates domestic violence protective orders which would prevent further contact that amounts to domestic violence, prohibit the perpetrator from engaging in certain activities, including contact with the victim or children of the victim, and exclude the perpetrator from the victim's home.
- It would prevent a victim having to disclose details of their address or whereabouts in open court, thereby preventing the perpetrator from having this information.
- It also gives the court the power to undertake a risk assessment on the impact of domestic violence on the victim and their children.



WHAT WILL BE ACHIEVED?

The experience from the United States is that, following the introduction of specific domestic violence laws, there was a 50% rise in women reporting the behaviour. There was also a dramatic increase in the number of perpetrators brought to justice. The campaigners behind the UK bill believe that new laws will have the same impact in the United Kingdom. It is hoped that the introduction of new laws will lead to greater understanding by the CPS and the police of the nature of coercive control in a domestic setting and that it in turn will lead to more thorough investigations, which result in more detailed information being available to the CPS to mount prosecutions. The campaigners also believe that new laws will increase victims' confidence in the criminal justice system and make them more likely to report domestic abuse. Under the terms of the bill, the police would have a duty to investigate the behaviour thoroughly and over the totality of the abusive behaviour, not just what happened in one moment in time.

PROGRESS SO FAR

Over the last eight months, significant progress was made with the DV campaign and bill:

- The ten minute rule bill was introduced into the Commons on 26th February 2014 with all-party support.
- The bill went through many drafts, involving consultations with lawyers, victims, and individual police and probation officers.
- The final amendments were made by the Commons Clerks who are experts on drafting in May 2014.



An Early Day Motion in support of the bill (which has now fallen) was tabled in December 2013 and by the recess had received 104 supporters. The text was as follows:

EDM 917 (2013/14)

“That this House recognises that victims of domestic violence and abuse are being placed at risk when forced to give their safe address in open court in unrelated proceedings; supports Eve's Law to address this dangerous anomaly; further supports Eve's Marker which would red flag the personal information of a victim of abuse as confidential and highly sensitive and would ensure that the data would never be publicly disclosed unless exceptional circumstances demanded it; notes that Eve's Law would protect victims of domestic violence in court on an unrelated matter; further notes that Eve's Law would close an anomaly which may deter victims of domestic violence from reporting abuse; and urges the Government to introduce Eve's Law.”

- Throughout the year, meetings have been held in the Cabinet Office, Downing Street and the Ministry of Justice to discuss the parameters of the bill.
- Support for the campaign has come from the Police Federation of England and Wales, the TUC, NAPO, the POA and the PCS and numerous community groups.
- The Conservatives announced that they will be examining Elfyn Llwyd's Bill which was introduced in the spring of 2014 with a view to legislating.
- Harry Fletcher and Claire Waxman met with Keir Starmer on behalf of Labour to discuss victims' rights and the need for a law to criminalise coercive control. Labour have since implied that new laws on DV will feature at this year's conference and in their election manifesto.
- The Bill has been given to key Lib Dems with a view to manifesto commitments on DV laws.
- On August 20th, the Home Office announced that there would be an 8 week consultation on whether coercive control should be criminalised.



By the recess in late July 62 MPs had signed a second Early Day Motion 142 stating that DV was a serious crime and supporting the Campaign. The EDM is still current. The text is as follows:

EDM 142 (2014/15)

That this House believes that domestic violence is a serious crime; is concerned at the under-reporting of domestic abuse by victims and the low number of prosecutions; and supports efforts to criminalise coercive control and violence in a domestic setting.

After the recess, Cross Benchers in the Lords will table an amendment to the Serious Crime Bill defining DV as a serious Crime. The bill as amended by the clerks will then be tabled in the Commons as an amendment to the Serious Crime Bill. It is hoped that these amendments will receive the same cross-party support as the 10 minute rule bill. The authors of this briefing believe that the 10 minute Rule Bill in its current draft form could form the basis of legislation following the outcome of the welcome consultation.

CASE STUDY ON FINANCIAL COERCIVE CONTROL

“I’ve experienced abuse through my 12 year marriage. Towards the end of the relationship this had become more physical. However, in the years leading up to this, I experienced on-going harassment, emotional abuse and isolation from friends and family plus complete control over family finances. I had not realised until more recently that this was domestic abuse.



He used coercive control was used to ensure that I remained financially reliant on my husband – this included not putting me on the house deeds and when discovered, lying that the matter had been resolved. During the marriage finances were hidden and disposed of in a complex web of misinformation and deceit which only came more fully to light recently when trying to sort out a divorce and attempting to make a fresh start.

My husband paid the bills, made financial decisions, bought all the food and therefore had control over what the family ate. When it was clear we were divorcing he stopped paying these bills and where possible transferred the bills in my name without my knowledge.

One of the worst things is that I know that he has hidden finances and I am fairly certain

that he has bought another property more recently most likely in his sister’s name but it is down to me to prove and not for him to disprove and I will run out of money before I get to that point.

He has blocked me being able to pay an outstanding council tax bill on our recently sold family home and so I am being chased by the council concerned and threatened with court action (he had put this bill into my sole name and did not tell me – he was officially a student for this period).

He is aware that if the money is not released to pay the bill that I will be taken to court and also run up additional charges. I have asked and asked him to release money from our joint funds but he continues to ignore me – he has done the same with unpaid parking fines he ran up while driving the car which is in my name – he refuses to pay these also and I am again being chased for these debts. He will be aware that this situation will likely damage my financial good name at a time when I am trying to build a business for the future.

His actions are sometimes subtle and he himself plausible to others. Seen on their own, some of these incidents can also be explained away or taken lightly by people like the police who do not view the whole course of actions he has taken – this malice has seeped into the very fabric of our family life.



“He is trying to destroy me”