

Response by the Commissioner for Victims of Crime to stakeholder survey on victim experience of Domestic Abuse Offence

19th December 2024

The Commissioner Designate for Victims of Crime regrets that her office is unable to provide responses to the Department's survey questions in relation to victims of crime whose perpetrators were charged by an offence under the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. Unfortunately, the office of the Commissioner does not receive information from victims which captures this level of detail.

Hearing from victims of crime about their experiences of the justice system is an integral part of the remit of the Commissioner Designate. In the course of this engagement, it is uncommon for victims to be explicitly aware of, or speak about, the specific offence under which their perpetrator has been charged. Victims tend to speak to the Commissioner about their experiences of agencies, court attendance, and the process more generally. As victims of crime do not as a rule have a legal representative within the process, with the exception of limited representation from SOLAs for some victims of sexual crime, they are often not aware of the specific laws under which their perpetrator has been charged. It has not been possible, therefore, for the office of the Commissioner to capture the data being sought by the Department.

Whilst it has not been possible to point to any specific evidence that the legislation has made the court experience better for victims of domestic abuse, the Commissioner Designate nonetheless strongly supports the law and welcomes its operationalisation. The Commissioner recognises that the number of cases brought under the law may still be small, and therefore it may take more time for victims to report any issues directly relating to the legislation to this office.

The Commissioner Designate also warmly welcomes efforts by the Department to capture the views of victims and analyse the impact of the new domestic abuse offence via this survey. However, a more constructive approach may be to seek the views of victims directly via the Public Prosecution Service (PPS), who may be best placed to identify victims whose perpetrators were charged under the new law. Many victims who have been through the justice process are eager to share their views, and in such cases it can be an empowering rather than traumatising experience for them to be given the opportunity to do so. Indeed, given that a key component of domestic abuse and coercive control is the removal of control and agency from victims, it may be the case that failing to provide a pathway whereby they can share their views could in fact compound trauma and victims' lack of agency. Giving victims choice and autonomy is a key part of recovery, and a vital component of trauma-informed practice.

The office of the Commissioner does record the voices and views of domestic abuse victims and their experiences of criminal court more generally. In the course of engagement with victims since the establishment of the Commissioner's office, one victim has explicitly referenced the Domestic Abuse & Civil Proceedings Act when sharing her experience of the justice process. She told us she had reported her abusive ex-husband for coercive control to police, and that the officers she engaged with were disbelieving of her account. This in turn, she told us, enabled the perpetrator to inflict more abuse upon her and their children, including by using the family courts to further abuse and control her. She told us:

"For the last 18 months, my ex-husband has been able to intimidate, financially abuse, withhold my property, stalk, harass, threaten me via Facebook Messenger and abuse me through the family courts with no protection. My husband has also utilised the PSNI, to harass me under the guise of "anonymous" calls to the police... Any time I have reported any crimes in accordance to the [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) I am not believed by the police and being left extremely vulnerable. I feel as if the entire system is against me, as I'm not being heard, even whilst I have a wealth of evidence and witnesses."

This case did not reach court, so would be outside the remit of the survey. However, it does raise an important point about the need for continuous and ongoing training for all relevant agencies and officials who may come into contact with victims of these offences.

Other victims of domestic abuse who engaged with the court process overwhelmingly spoke about the traumatising nature of the system – indeed, the desire for procedural justice was much more common than comments about the desire for a specific justice outcome.

In terms of pre-court engagement, victims paint an inconsistent picture when it comes to their experiences. Some have told us that the police were very supportive, believing, and provided information to them when the PPS failed to do so. Others reported a dismissive attitude or insufficient communication from police, although this was much less common for cases which had reached court. Many victims who reached pre-court stage reported profound dissatisfaction with the PPS and its Victim & Witness Care Unit, reporting difficulties in getting information about their case, uncertainty as to who to contact for a given query, and being 'passed round the houses' to speak to the right person. Some victims also reported that they wished prosecutors would take more time to meet with them before the case started in court. The Commissioner is aware that the PPS makes special efforts with vulnerable victims to meet with them in advance of trial; however many victims felt that their engagement with prosecutors could be short, 'last minute' and insufficient to reassure them and inform them appropriately before trial. Having no participatory

rights in the trial process, the insufficiency of engagement left them feeling anxious about the trial and isolated and disconnected from what they felt was 'their case'.

At court stage, victims again raised the issue of lack of communication. Many felt that their experience contrasted sharply with that of the defendant, who had legal representation, was well-informed on the process including changes or adjournments, and was well supported by their legal representatives. They compared this with their own experiences of isolation, confusion, and feeling that they 'had no one fighting in their corner'. Victims often spoke of wishing for a place in the system, including through participatory rights and legal representation. In the absence of such a structural change to the justice system, getting the basics right for victims in court would make a hugely positive difference. Ensuring that victims are adequately updated about court processes and changes, acting with empathy and understanding, and ensuring that victims are treated with dignity and respect throughout the court process, particularly during cross-examination, would contribute significantly to making the justice process more trauma-informed and improving victim experiences.

If you would like to discuss any of these points in further detail, please contact the office via:

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