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DOMESTIC VIOLENCE AND ABUSE



The law can help

Information about the criminal and civil law for
victims of domestic violence and abuse

This booklet explains how the civil and criminal law systems can help victims of domestic violence and abuse. It explains what domestic violence is and sets out the various steps that can be taken to prevent further violence and abuse. It also provides a list of useful contacts who will be able to help.

What is domestic violence and abuse?

Domestic violence and abuse is essentially ‘a pattern of behaviour which is characterised by the exercise of control and misuse of power by one person over another within an intimate relationship or a family’¹. It is usually frequent and persistent. It can include violence by a son, daughter or any other person who has a close or blood relationship with the victim.

Domestic violence can have a devastating effect on a victim. It can include physical, emotional, psychological, financial and sexual abuse by a partner or close family member. Examples of domestic violence and abuse include:

- the undermining of self-confidence;
- the destruction of property;
- threats to others including children;
- controlling behaviour such as isolation from friends and family;
- physical attack;
- control over access to money, personal items, food, transport and the telephone; and
- stalking.

Domestic violence can happen to anyone. It knows no boundaries and can cross all sections of our community regardless of:

- gender;
- age;
- ability;
- dependants;
- marital status;
- political opinion;
- race;
- religion;
- sexual orientation;
- geography; or
- wealth.

If you are suffering domestic violence and abuse, you can get help. There are people who can and will help you. The criminal law and civil law may offer you important protections.

¹ Tackling Violence at Home: A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland (October 2005)

What can I do if I am suffering domestic violence and abuse?

You may want to use all or some of the following options:

- **In an emergency** – for example, if you are being threatened with violence or attacked, or are in fear of this, then **call 999 immediately**.
- If domestic violence or abuse has happened to you, whether you have been physically injured or not, **call the police on 0845 600 8000**. The police have Domestic Violence Officers who can give specialist advice and support.
- **Contact the domestic violence freephone helpline on 0800 917 1414**. A landline call does not show on the caller's bill. Language line for non-English speaking callers and Textphone for hearing-impaired people are available. The 24-hour helpline is open to *anyone* affected by domestic violence.
- **Contact a solicitor** who can help you get a court order that can give you and your home extra protection. A person who breaks the conditions of the order can be arrested and prosecuted. If you do not have a solicitor, telephone the Law Society of Northern Ireland on 028 90231614. This will give you a list of family law solicitors in your area.
- **Contact Victim Support Northern Ireland**, which offers a range of free services to the victims of all types of crime. The Victim Support line is 028 90244039 (office hours) or 0845 303 0900 (out of office hours).
- **Contact a local domestic violence support group**, for example: Women's Aid, Men's Advisory Project, Rainbow Project or Belfast Lesbian Line. They can offer advice, counselling, information, or even alternative accommodation. Contact numbers for these organisations are listed at the end of this leaflet.
- **Contact your local Housing Executive office or the Homeless Advice Centre** on 028 90240588.
- **Tell a relative, friend or neighbour** about your concerns and ask them to help you take action.

How can the criminal law help me?

If you have been the victim of a crime, for example an assault, the police will investigate the crime. Where they have a power of arrest, they will normally arrest the suspect. Where there is enough evidence, and if prosecution is in the public interest, this person will be prosecuted.

A Police Domestic Violence Officer will normally investigate all serious offences of physical violence and can help you contact other organisations that can provide information and practical support.

If the case goes to court, the prosecution will keep you informed of significant developments in the case, including when you may be required to attend court. Arrangements can be made to provide guidance and assistance. For example, Victim Support provides a witness service in all Crown Courts and in Belfast Magistrates' Court. In certain circumstances application may be made to the court for special measures to make giving evidence less intimidating for you, for example letting you give evidence by live link or in private.

In due course all prosecutions will be handled by the Public Prosecution Service for Northern Ireland. This means that trained lawyers will decide when to prosecute in all cases of domestic violence. The Public Prosecution Service also offers more services to victims, including special community liaison staff who provide a telephone information line and can direct you to the services of partner organisations such as Victim Support and the NSPCC.

New legislation will mean that courts can use restraining orders more widely. A restraining order is designed to prevent a person from engaging in a certain type of behaviour. At present, courts can impose a restraining order to protect the victim in certain cases when someone is convicted. In the future, the courts will have this power whenever they consider it necessary to protect the victim, even when the defendant is found not guilty.

If your partner or a family member is sent to prison as a result of the violence, and provided they are an adult and sentenced to 6 months or more, you have the right to find out when they may be released. You can contact the Prison Victim Information Scheme on 0845 2470002.

How can the civil law help me?

The Family Homes and Domestic Violence (Northern Ireland) Order 1998 allows you to apply to the court for protective civil orders. These are called non-molestation orders and occupation orders.

A non-molestation order prevents you from being molested by a partner or close family member. It is served on this person and if they harm you again, they can be arrested for breaching the order.

An occupation order says who can live in the family home. When made alongside a non-molestation order, it offers added protection to victims of domestic violence. If the non-molestation or occupation order has an exclusion element, the person you need protection from will be prevented from living in the family home and may be kept away from other areas too. If this person tries to interfere with your occupation of the family home when both the occupation order and non-molestation order are in force, they can be arrested for breaching the orders.

How do I get these orders?

You will need to go to a solicitor. The solicitor will ask you to give details of what has happened to you. These details need to be put in a written statement that will go before the court. Tell the solicitor *everything* that has happened to you including any history of domestic violence and abuse – not just the details of the last incident. A copy of your statement will be served on the person you are accusing of domestic violence.

In an emergency, you can go to court and get short-term orders very quickly, without your partner or family member being present at court. These are called ex-parte orders. These orders normally will be served on this person as soon as possible by the police. If your order contains an exclusion element, the person will have to leave the family home.

When an ex-parte order is granted there will normally be a full hearing within five or six weeks, where both parties can put their case to the court. The court will decide if a full order is to be granted. The ex-parte order will usually be in force until this second hearing. The court will tell the person you are accusing of domestic violence or abuse to attend this second hearing so that it can hear both parties' versions of events. When attending court, if you are concerned about your safety, you should speak to your solicitor, the Court Administrator or a member of the security staff.

If you have been granted a non-molestation order, or a non-molestation order combined with an occupation order, and the restrictions of the order are broken, telephone the police **immediately**. The police will arrest the person if the order has been breached and – if there is enough evidence – prosecute for breach of the order.

Although procedures are slightly different, if you are 16–18 years of age, you can still apply for protective orders. Your solicitor will be able to explain these procedures to you.

USEFUL CONTACTS

Anyone who feels in immediate danger should dial 999.

Police Service of Northern Ireland

Domestic Violence Officers

0845 600 8000

Ask to speak to your local Domestic Violence Officer.

Domestic Violence Helpline (freephone)

0800 917 1414

Language line for non-English speaking callers and Textphone for hearing-impaired people are available.

The 24-hour helpline is open to anyone affected by domestic violence.

Support Services

- Women's Aid Federation Northern Ireland

028 90249041

You can find the number of your local Women's Aid branch in the phone book.

- Age Concern Northern Ireland

028 90325055

- Citizen's Advice Bureau

028 90231120

- Disability Action

028 90297880

- Gay helpline

028 90322023

- Help the Aged (freephone)

0808 8087575

- Lesbian helpline (Thursday evening)

028 90238668

- Men's Advisory Project

028 90241929

- Men to Men

028 90237779

- Nexus

028 90326803

- Rainbow Project

028 90319030

- Rape Crisis and Sexual Abuse Centre

028 9032 9002

- Samaritans

08457 909090

- Victim Support Northern Ireland

office hours **028 90244039**

out of office hours **08453030900**

You can find the number of your local Victim Support branch in the phone book.

Other useful numbers

- Housing Executive local offices or the Homeless Advice Centre

028 90240588

- Law Society of Northern Ireland

028 90231614

- Prison Victim Information Scheme

0845 2470002

Funded by the Northern Ireland Office, Community Safety Unit. Further copies can be obtained from the Unit on 028 9026 1391.



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