DOMESTIC ABUSE BILL

Committee: We consider it unacceptable that the people of Northern Ireland are denied the same level of protection in relation to domestic abuse as those elsewhere in the United Kingdom because of the lack of a Northern Ireland Executive and Assembly. We understand and respect the devolution settlement, but in the absence of an executive we recommend that the provisions of the draft Bill be extended to Northern Ireland unless and until Northern Ireland enacts its own legislation in this area. The draft Bill should be amended to include a ‘sunset clause’ to this effect. (Paragraph 17)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817556/CCS0619467038-001_Domestic_Abuse_Bill_Print_WEb_Accessible.pdf>

Government response: 25. The UK Government agrees that victims of domestic abuse in all parts of the United Kingdom deserve effective protection and support.

26. However, as matters relating to domestic abuse are devolved in Northern Ireland, any question of reform to law or policy is rightly one for a devolved Executive and Assembly in Northern Ireland to consider. In the absence of the devolved institutions, the UK Government has been considering with the Department of Justice in Northern Ireland whether it would be appropriate, in the interests of public safety, to use the Domestic Abuse Bill to apply the measures in the Bill to Northern Ireland.

27. The UK Government accepts that, in the current circumstances, there is a case for doing so, **but we do not agree that the measures in the Bill should ‘en bloc’ be extended** to Northern Ireland, subject to a ‘sunset clause’ as recommended by the Committee. Rather, we believe that the application of analogous provisions in the Bill to Northern Ireland should be considered on a case-by-case basis, reflecting the different law in Northern Ireland and respecting the devolution settlement.

28. The UK Government must ratify the Istanbul Convention therefore following consultation with the Department of Justice, the Bill as introduced includes analogous provisions for Northern Ireland in respect of extraterritorial jurisdiction.

29. In 2016 the then Northern Ireland Minister of Justice launched a consultation on criminalising coercive and controlling behaviour. The Executive collapsed before this matter could be legislated. The Bill therefore includes a Northern Ireland measure (including to provide that complainants in relation to such an offence are eligible for special measures), to criminalise controlling or coercive behaviour (analogous offences already being on the statute books in England and Wales and Scotland).

30. The Department of Justice intends to consult on introducing a prohibition on the cross-examination of victims by perpetrators of domestic abuse in person in the family courts in Northern Ireland. Following the consultation, the Department of Justice will consider, together with the UK Government, whether it would be appropriate for such measures to be included in the Bill at a later stage. The Department of Justice is considering further, in consultation with their delivery partners, whether it would also be appropriate for some other provisions in the Bill to apply to Northern Ireland. 12

31. In coming to a view on the inclusion of each of these measures in the UK Government Bill, the Department of Justice has been properly guided by whether individual measures are consistent with the existing policy framework in Northern Ireland or, in the case of the new domestic abuse offence, decisions taken by previous Northern Ireland Ministers. In addition, the Department of Justice has taken into account its powers under the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018.

32. The Bill contains a separate commencement measure for provisions extending to Northern Ireland which relate to devolved matters. This means that the Department of Justice will be responsible for bringing into force the provisions applying to Northern Ireland

**Domestic Abuse Bill**

[**https://publications.parliament.uk/pa/bills/cbill/2017-2019/0422/cbill\_2017-20190422\_en\_6.htm#pt2-pb4-l1g74**](https://publications.parliament.uk/pa/bills/cbill/2017-2019/0422/cbill_2017-20190422_en_6.htm#pt2-pb4-l1g74)

**2nd reading**

**2 October 2019**

Robert Buckland (The Lord Chancellor and Secretary of State for Justice)

I pay tribute to my hon. Friend for her continuing commitment to reform and improvement in this area. The widening of the definition from “financial” to “economic” abuse captures the manipulation that can happen, not only in relation to money but in relation to other benefits and through coercive control. I am proud to have played my part as a junior Minister in ensuring that coercive control went on to the statute book as a criminal offence some years ago. We must continue to reinforce the message that abuse is not just about violence, important though that is, and that its collective impacts can change the lives of far too many victims.

**Gavin Robinson, Shadow DUP Spokesperson (Home Affairs), Shadow DUP Spokesperson (Defence)**

I commend the Secretary of State and, in particular, the Under-Secretary of State for the Home Department, Victoria Atkins, for the work they have been doing on this issue. On a number of occasions we have stated that we want to embed legislation that provides the best protection, and the Secretary of State will know that this Bill contains particular definitions that are unique to Northern Ireland. However, **one thing we are devoid of in Northern Ireland is legislative protection from stalking. I hope that he will give thoughtful consideration during the passage of the Bill to incorporating measures to include that,** whether there be a domestic connection to the stalking or not. We need that legislation for the individual victims and their families. Will he also give thoughtful consideration to the inclusion of Northern Ireland Members of this House on the Bill Committee?

**Robert Buckland, The Lord Chancellor and Secretary of State for Justice**

On the hon. Gentleman’s last point, the business managers will have heard him loud and clear. I am keen to ensure that the Bill maintains its focus on domestic abuse. I do not pretend that we can somehow hermetically seal the issue off from other aspects of criminal behaviour and abuse, such as stalking, but I think that the best place for stalking legislation would be in a discrete piece of work. I draw his attention to the work that we did in England and Wales. I was part of the all-party parliamentary group on stalking and harassment, which campaigned and worked at pace to get stalking criminalised in England and Wales. I will give him encouragement, but I really want to ensure that this Bill is focused.

**…Stella Creasy Labour/Co-operative, Walthamstow**

I have just returned from the Council of Europe, where members across parties, especially in the Socialist Group, expressed horror that it has taken seven years and counting for the UK to ratify the Istanbul convention. One of the critical points in ratifying the convention is the treatment of women in Northern Ireland and the fact that they do not have the protections that the Secretary of State has just suggested should not be in the Bill. The Government gave a pledge and told the Council of Europe that the Bill was about ratifying the Istanbul convention, and there is a motion of recommendation about the convention in the UK right now at the Council of Europe. Can he give an assurance that he will not leave the women of Northern Ireland out of the Istanbul convention, let alone the migrant women in this country who also need us to put the legislation together?

**Robert Buckland The Lord Chancellor and Secretary of State for Justice**

The hon. Lady makes an important point about the Istanbul convention, and of course we passed domestic legislation about that. I want to make sure that every aspect of the convention is underpinned in domestic law throughout the length and breadth of the United Kingdom. I am simply saying, as a legislator and someone who wants to make sure that we get the Bill in the best possible position, that we need to make sure we get the issues in the right vehicle. If it is the will of the House that the Bill is the right vehicle, that will of course be respected, but I think I am entitled to make that point about what I regard as the real focus of the Bill. I speak as someone who has actively and enthusiastically supported the criminalisation of stalking— as has she—for many years…

**Emma Little Pengelly, Shadow Spokesperson (Justice), Shadow DUP Spokesperson (Equality), Shadow DUP Spokesperson (International Trade)**

I thank the right hon. and learned Gentleman for giving way. I welcome both his comments and the fact that some of the Bill’s provisions extend to Northern Ireland. The situation in Northern Ireland is stark. Figures released in 2017 and promoted by Women’s Aid in Northern Ireland, which does fantastic work, showed that by head of the population deaths among women was the joint highest in the entire European Union. In 2018, a domestic abuse call was made once every 17 minutes. Our law is very much falling behind what is happening in England and Wales.

Will the Secretary of State engage with me and my colleagues on what other provisions could be extended to Northern Ireland to offer that much-needed protection for women—and for men and others—who are impacted by this? I ask that because of the importance of this issue and because of the absence of a Northern Ireland Assembly.

**Robert Buckland, The Lord Chancellor and Secretary of State for Justice**

The hon. Lady makes a very powerful case for making sure that we use this Bill as an opportunity to extend as much protection as possible to domestic abuse victims throughout the length and breadth of our country. Scots law and my friends in Scotland have been dealing with this at length. Where it is appropriate to legislate, **this House has the opportunity to act…**

**Sylvia Hermon, Independent, North Down**

I thank the hon. Lady for giving way; she is making a powerful speech. I would like to go back to the reference that was made to women in Northern Ireland. She and her colleagues will be well aware that we have not had a functioning Assembly in Northern Ireland for over two and a half years, since January 2017, so we have no Health Minister and no Justice Minister. **Would the Labour party give a clear commitment to join the Government, if we have no Assembly up and running again in the near future, to extend this much-needed legislation to Northern Ireland** to protect women—and, indeed, some men—from domestic abuse in Northern Ireland? That would be a very valuable commitment from both sides of the House today.

**Carolyn Harris, Shadow Minister (Equalities Office) (Women and Equalities)**

The hon. Lady will know of my commitment to legislation in Northern Ireland—I spoke this week on children’s funerals and gambling—and I would very much like to see the Assembly reconvened. Women everywhere—victims everywhere—need to be guaranteed every protection that we can offer them.