

DOMESTIC VIOLENCE

It is important to remember that both men and women can be victims of domestic violence. Domestic violence can also be experienced by anybody regardless of social group, age, race, disability, sexuality, or lifestyle.

Domestic violence is violence or threatened violence of any kind against a person by any other person with whom that person is, or has been, in a domestic relationship with.

Domestic violence is a lot more common than people think. According to Refuge the national domestic violence charity, 25% of all recorded violent crime is domestic violence, and a current or former partner kills two women in England and Wales every week.

What you should do if you are a victim of domestic violence

1. Police

Firstly, you should contact the police both to stop the violence as it is happening, and also so that they have a record of the incident.

The police are also able to arrest violent partners under the Protection from Harassment Act 1997 and place bail conditions on them, if appropriate. These bail conditions can include provisions that they are not violent to the victim, or preventing them coming within a certain vicinity of the victim.

2. GP

In order to build up a case history of the violence it will be necessary to visit your GP or hospital so that they can retain a record of your injuries. It is also an idea to keep photos of the injuries sustained.

3. Legal

Your legal advisor will advise you regarding the appropriateness of the following to your case:

Warning letter – This is a stern letter to your partner warning him/her not to be violent or threaten violence again, and informs them that if there is another incident then an application will be made to Court.

Application to Court for a Non-Molestation Order – This is an order that prevents somebody from using or threatening violence against the victim (and their children if appropriate), as well as intimidating, harassing or pestering the victim (and their children if appropriate). This order can even prevent the violent person from instructing or encouraging somebody else to be violent, intimidate or harass the victim.

Application to Court for an Occupation Order – This is an order stating that the victim and his/her children can live at a particular address, and the violent person is forbidden from coming within a set vicinity of the property.

Applications to Court

Application for a non-molestation order and/or an occupation order is by an application form and supporting sworn statement. There is a Court fee for making an application.

An application can be made 'ex parte' if the situation demands it. This is an emergency application that is heard without the other party being present. This is only available if the victim is in immediate danger and fearful of what the violent person may do if they were served with the court papers in the normal way. If an ex parte hearing is allowed, it will only be a temporary measure until the violent person can be given a chance to attend Court and be heard.

Hearings will usually be in a Judge's private room or 'in chambers'. At the hearing the Judge will listen to evidence from both parties and will make a decision based on the evidence.

The Judge may attach a power of arrest to the occupation order. In which case, if the order is breached then the police should be called as soon as possible. They will then take the violent person directly to Court. If a power of arrest is not attached and there is a breach of the Order, then an application to Court can be made for a warrant of arrest, or for the person's committal to prison.

Please be aware that proceedings can be withdrawn at any time. However, if it is done unreasonably then the Court may order the person making the application to pay the other person's costs. Please also be aware that if children are left with a violent partner, then it cannot be assumed that the courts will act to help retrieve them.

Useful contacts

Women's Aid

Website: www.womensaid.org.uk

Helpline: 0808 2000 247

National domestic violence charity offering advice and support to women suffering physical, emotional or sexual violence. Joint free 24 hour helpline with Refuge which can refer to local refuges and emergency accommodation across the UK.

Refuge

Website: www.refuge.org.uk

Helpline: 0808 2000 247

National domestic violence charity offering advice and support to people suffering physical, emotional or sexual violence. Joint free 24 hour helpline with Women's Aid.

Mankind

Website: www.mankind.org.uk

Helpline: 0870 794 4124

Advice and support for men who are the victims of domestic abuse.

Mens Aid

Website: www.mensaid.com

Helpline: 0871 223 9986

Advice and support for men suffering from any form of abuse or discrimination

Broken Rainbow

Website: www.broken-rainbow.org.uk

Helpline: 08452 60 44 60 (Monday – Friday 9am – 1pm, and 2pm – 5pm)

Support for lesbian, gay, bisexual and transgender people experiencing domestic violence

Shelter

Website: www.shelter.org.uk

Helpline: 0808 800 4444

Free, national 24 hour helpline. Provides information and advice for people who are homeless or have housing problems.

Samaritans

Website: www.samaritans.org

Helpline: 08457 909090

Free 24 hour helpline offering confidential emotional support to anyone who is in emotional distress or at risk of suicide.

Careline

Website: www.carelineuk.org

Helpline: 0845 122 8622 (Monday–Friday 10am–1pm, and 7pm–10pm)

Free phone for support, information and counseling.

Victim Support

Website: www.victimsupport.org

Helpline: 0845 30 30900

National charity helping people cope with crime.