

## Domestic Violence and the Law: An Introduction

### A Publication for Bristol Law Society

With 1 in 4 women, and 1 in 6 men, experiencing domestic violence in their lifetime the likelihood of encountering someone who has fallen victim to domestic violence is exceptionally high. For those working in a legal field the likelihood of working with clients who have experienced abuse is even more so. This may be in the capacity of divorce, child contact proceedings, assisting someone to obtain an injunction or press battery/ABH/GBH charges against a previous partner.

The law in the UK is continuing to develop to protect victims of domestic violence, The Domestic Violence, Crime and Victims Act 2004, and discussion of the introduction of a new law to prosecute those who use emotional abuse against their partner evidence progression. However, the UK still does not have a legal definition of what domestic violence is. Most services and professionals define domestic violence as;

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.

Through a series of articles I hope to unpick the meaning of domestic violence, what it may mean to somebody experiencing it, and what it may mean to a professional, as well as highlighting various ways to acknowledge and support a clients experience whilst offering a practical and professional service.

What is domestic violence?

Although there is no legal definition of what domestic violence is, the previous definition is broadly accepted. Not only does it outline the forms of abuse considered domestic violence, it also highlights the types of relationships assumed to fall in the remit.

It is commonly assumed that those who have experienced physical abuse are easily identified through black eyes and broken bones, this is frequently the case. However, those who may have experienced ongoing abuse, with the average woman being abused 35 times before reporting it to any services, the perpetrator may be a lot more skilful at abusing in a manner that cannot be spotted. Often those who have endured ongoing physical abuse will be bruised and injured in areas a perpetrator knows a victim will have to cover up. It therefore becomes important to be able to acknowledge a victim of domestic violence through other means, as well as acknowledging other forms of abuse.

Having worked with men and women who have experienced domestic violence it is evident that psychological and emotional abuse are often more difficult forms of abuse for a victim to recover from. It is frequently during the recovery process that a victim/survivor may access legal support. However, it is also the emotional and psychological abuse that barricades victims from accessing any form of support. Perpetrators will often install the belief that nobody would believe a victim who presented to a professional stating they had experienced abuse, or that real men don't experience abuse, or that nobody will help a victim because they may have never experienced physical abuse,

all of which is untrue. There is an endless list of manipulation tactics that perpetrators will use without using any form of physical abuse.

Financial abuse may vary from a partner withholding money, running up debts or applying for credit in their partner's name. Many clients I have worked with were given an allowance by their partner, which would be barely enough to pay a bus fare, let alone access any kind of legal support.

1991 saw the exemption of marital rape abolished in the UK, however many domestic violence victims are forced to have sex with their partners as well as other people in some circumstances. Sexual abuse is also linked to withholding any form of affection from your partner.

With regards to who the perpetrator may be, it is a common misconception is that domestic violence can only be perpetrated by a victim's boyfriend/girlfriend/husband/wife, but the definition given above allows close family members to be put in the same category. In the last 5 years of working in this field I have seen an increase in reports of mothers experiencing domestic violence in almost all its forms from their sons, and have therefore seen an increase in mothers gaining injunctions and occupation orders against their children. However, the definition of domestic violence spans to cover abuse from close family members from siblings through to uncles, aunts and grandparents, the definition would even cover carers if the relationship could be deemed intimate.

Although only a brief introduction, it gives an insight in to the vast field of domestic abuse and lays a foundation for what will be discussed in this series of articles focusing on domestic violence and the law. For more information please visit [martintrainingandconsultancy.co.uk](http://martintrainingandconsultancy.co.uk) or contact Luke Martin by e-mail [martintandc@gmail.com](mailto:martintandc@gmail.com).