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Memorandum for Executive Council

SUBJECT

Domestic Abuse Bill 2017

Memorandum by Chairman, Social and Community Development
Committee

ADVICE SOUGHT

1. Council is asked to consider the attached Domestic Abuse Bill, 2017 and to recommend it for publication in advance of its presentation at the Legislative Council session of 15th December 2017.

**BACKGROUND &
CONSIDERATIONS**

2. The objective of this Bill is to provide specific protection to victims of domestic abuse. Where violence has been used, there may be a prosecution but only after the event and the Police have little power to prevent further violence. Where the abuse consists of controlling, coercive behaviour or emotional harm there is often nothing that can be done because that behaviour does not constitute a criminal offence. The key criminal statutes used to tackle that kind of abuse in England and Wales are not applicable on Saint Helena and there is no domestic legislation creating equivalent offences.

3. The provisions of the Bill define the types of behaviour that constitute domestic abuse and will enable a person who is the victim of such behaviour to make an application to the court for a protection order. The application can also be made by another person (such as a police officer or social worker) or on behalf of a child who is affected by the abuse.

4. A protection order may prohibit specific acts of abusive behaviour or may prohibit domestic abuse generally if the court is satisfied that this is appropriate. The court will have a wide discretion as to what is necessary and may impose such restrictions and conditions as it thinks appropriate upon the abuser. No order will be made where the person accused of the domestic abuse is willing to give an appropriate undertaking to the court.

5. If this Bill is not enacted the problems and issues that victims of abuse experience (please refer to the accompanying documents: Legislation Proposal and Explanatory Note) will persist and any progress towards reducing the number of incidents will be slower. Victims of domestic abuse will continue to have limited options for assistance and children will continue to be adversely affected by growing up in homes where domestic abuse occurs.

6. The funding for the Safe Haven was provided by the United

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Nations Development Programme Fund. The award of USD 150,000 was provided to establish the shelter, to develop a support service for empowering women and to develop policy and practice to support the service. To secure any further funding, it will be necessary to demonstrate that St Helena has developed and implemented relevant policy, procedural and legislative changes in order to support victims of domestic abuse and to reduce the number of incidents. This will be more difficult without some provision in the law to protect victims.

FINANCIAL IMPLICATIONS

6. None.

ECONOMIC IMPLICATIONS

7. None.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

8. N/A

PUBLIC / SOCIAL IMPACT

9. The proposed amendments will provide greater protection for victims of domestic abuse.

ENVIRONMENTAL IMPACT

10. None.

PREVIOUS CONSULTATION / COMMITTEE INPUT

11. The Social and Community Development Committee (SCDC) considered this Bill on 13th September 2017 and recommended that this Bill would be suitable for focus group consultation (group of women leading on rights of women linked to WISH) and a group of men included as well. The Crown Counsel (Community Care), Safe Haven Manager and Sexual Offences Investigator are available to give interviews and respond to questions about this Bill.

PUBLIC REACTION

12. The public is expected to welcome these measures to protect victims of domestic abuse.

PUBLICITY

13. If approved, mention should be made in the Ex Co report and associated broadcast. In addition, information about this Bill should be provided to the public through media interviews by the Chair of Social and Community Development Committee, accompanied by relevant SHG officers.

SUPPORT TO STRATEGIC OBJECTIVES

14. This proposal supports the following National Goals:
1. Altogether safer.

AAG

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14. Recommended for the open agenda.

20 September 2017