

Response ID ANON-W4AD-VN32-S

Submitted to **Consent to serious harm for sexual gratification: Not a defence.**

Submitted on 2020-12-15 14:00:08

Consultation Process

Consultation Information and Options

Annex A - Freedom of Information and Privacy Notice

Annex B - "Relevant offences" guidance

Annex C - Domestic Abuse Bill Amendment

Consultation Questions

What is your name?

Name:

Liz Arthur

What is your email address?

Email:

liz.arthur@probation-ni.gov.uk

What is your organisation?

Organisation:

Probation Board for Northern Ireland

Question 1: Do you think the law in Northern Ireland is sufficient as it stands?

No

Please give reasons for your response.:

PBNI works with perpetrators of domestic abuse and facilitates a number of programmes to promote change in the behaviour and attitudes of people committing domestic and sexual abuse.

PBNI staff understand domestic abuse has a devastating effect on individuals and families and are committed to working with perpetrators to reduce the number of future victims.

PBNI are of the view there is a gap in current Northern Ireland legislation.

Question 2(a): Do you think that consent to serious harm should be outlawed in legislation, similar to the amendment to the Domestic Abuse Bill in England and Wales?

Yes

Please give reasons for your response.:

PBNI is supportive of tightening the legislation to make it more difficult to raise a defence of consent to violence during sexual intercourse. Case law is clear on this, an amendment to legislation would codify the principle into statute.

Such an amendment would provide additional protection to women. By using consent as a defence, violence against women is being normalised. Women cannot be blamed for their own injuries/death.

PBNI is of the view that the Domestic Abuse Bill in England and Wales provides an effective and necessary enhancement to current provision under law.

Please give reasons for your response. :

Yes, the relevant offences to which the amendment should apply are sections 18, 20 and 47 of the Offence Against the Person Act 1861.

Question 3: Do you consider that a programme of education is needed to:

Yes

Please give reasons for your response.:

Change in legislation in itself will not address the problem. There needs to be a parallel programme of public education.

Trial judges, prosecutors and defence solicitors should be required to participate in training re myths surrounding sexual violence and rape (Gillen Review). Trial Judges should also provide directions to juries in this area.

Question 4: Do you consider something different is required for Northern Ireland?

No

If yes, please give reasons for your response.:

Question 5: Please provide any other or additional comments.

Please provide any other or additional comments.:

This amendment would enhance the level of protection for victims in conjunction with the Domestic Abuse and Family Proceedings Bill and the introduction of Domestic Homicide Reviews in NI.