

# DOMESTIC ABUSE AND PET CRUELTY

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Cruelty to pets is often a means of control utilised by perpetrators of domestic abuse. Not only does the act itself cause suffering to the victim, but the threat of future harm can also prevent a victim from leaving their abusive home.

## IMPACT OF ABUSE

Companion animals are becoming increasingly popular in the UK, with over 50% of the population sharing their homes with a pet.<sup>1</sup> As well as providing many health, physical, psychological and social benefits, companion animals can also assist with a range of developmental areas in children and adolescents.<sup>2</sup> When there is violence in the home, however, they can also become victims of domestic abuse and used as pawns by perpetrators to instil and enforce fear and control over a partner and children.<sup>3</sup> The impact on a child of witnessing such abuse can be profound.<sup>4</sup>

Acts of animal abuse may be used to coerce, control and intimidate victims to remain in, or be silent about, their abusive situation. A recent survey found that 71% of pet owners reported that their perpetrator had threatened, injured or killed family pets.<sup>5</sup> More than nine in ten domestic abuse professionals were aware of cases where survivors would not leave their home without knowing their pet would be safe.<sup>6</sup>

Those who flee abusive homes to refuges will often have to make the decision to leave their companion animals behind as the vast majority of refuges are unable to accept pets. There are organisations who can assist by providing fostering services to offer support. For example, Dogs Trust, after recognising the link between pet abuse and abuse

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<sup>1</sup> PDSA Population Report <<https://www.pdsa.org.uk/get-involved/our-campaigns/pdsa-animal-wellbeing-report/uk-pet-populations-of-dogs-cats-and-rabbits>> accessed 20 June 2021.

<sup>2</sup> Purewal, Rebecca et al. "Companion Animals and Child/Adolescent Development: A Systematic Review of the Evidence." *International journal of environmental research and public health* vol. 14,3 234. 27 Feb. 2017.

<sup>3</sup> Ibid.

<sup>4</sup> See for example NSPCC, 'Understanding the Links' <<https://bswccg.nhs.uk/for-clinicians/safeguarding/child-safeguarding/287-understanding-the-links-child-abuse-animal-abuse-and-domestic-violence/file>> accessed 20 June 2021.

<sup>5</sup> Ascione, F.R. et al. "The abuse of animals and domestic violence: A national survey of shelters for women who are battered." *Society & Animals* 1997 5(3), 205-218.

<sup>6</sup> Written evidence of the Dogs Trust to the Domestic Abuse Bill <<https://publications.parliament.uk/pa/cm201919/cmpublic/DomesticAbuse/memo/DAB07.htm>> accessed 20 June 2021.

to people, created the Freedom Project which, since its creation in 2004, has fostered over 1700 pets.<sup>7</sup> Similar, but very few, other projects exist.<sup>8</sup>

## THE LAW

Currently, there is no legislation in England and Wales that provides protection for the companion animals of those experiencing domestic abuse.

### SERIOUS CRIME ACT 2015

The offence of controlling or coercive behaviour came into force in 2015.<sup>9</sup> Statutory Guidance published by the Home Office, pursuant to Section 77 (1) of the Serious Crime Act 2015, identified ‘threats to hurt or physically harming a family pet’ as an example of the kind of behaviour that is useful to highlight to those working with incapacitated adults, many of whom are particularly vulnerable to emotional, financial and psychological abuse. The same is also listed as a ‘relevant behaviour’ when assessing offences under s.76<sup>10</sup> and is used by CAF/CASS in their assessment of coercive control tool.<sup>11</sup>

### FAMILY LAW ACT 1996

The Family Law Act 1996 provides domestic violence injunctions, such as non-molestation orders and occupation orders, however, extension to companion animals does not fall within its scope.<sup>12</sup>

### DOMESTIC ABUSE ACT 2021

The Domestic Abuse Act 2021 (“the Act”) was signed into law on 29 April 2021 and provides a statutory definition of domestic abuse:

Section 1 –

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

(a) A and B are each aged 16 or over and are personally connected to each other, and

(b) the behaviour is abusive.

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<sup>7</sup> Ibid.

<sup>8</sup> Endeavour <<https://www.endeavourproject.org.uk>>; Cats Protection <<https://www.cats.org.uk/what-we-do/paws-protect>>; Refuge4Pets <<https://refuge4pets.org.uk>>; The Abused Pet Refuge Project <<https://abusedpetrefuge.com>>.

<sup>9</sup> Serious Crime Act 2015, s76.

<sup>10</sup> CPS Legal Guidance Domestic Abuse <<https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>> accessed 20 June 2021.

<sup>11</sup> Cafcass Assessment of Coercive Control Tool <<https://voiceofthechild.org.uk/kb/cafcass-assessment-coercive-control-tool/>> accessed 20 June 2021.

<sup>12</sup> Family Law Act 1996, s.62.

- (3) Behaviour is “abusive” if it consists of any of the following—
- (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));
  - (e) psychological, emotional or other abuse;

Economic abuse is defined under s.1(4):

- “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—
- (a) acquire, use or maintain money or other property or
  - (b) obtain goods or services

The Explanatory Notes to the Act were amended to provide:

“Property” would cover items such a mobile phone or a car and also include pets or other animals (for example agricultural livestock).

Under the Act, pets are categorised as ‘property’. Behaviour that has a substantial adverse effect on the ability of a victim of domestic abuse to acquire, use or maintain their pet may amount to ‘economic abuse’. Cruelty to companion animals, therefore, is limited to ‘economic abuse’. This fails to take into account the substantial impact of such cruelty and its use as a tool to coerce and control victims of abuse. Further, it fails to extend protection to companion animals.

## COMPARATIVE LEGISLATION

### PET AND WOMEN SAFETY ACT (“PAWS”)

In 2018, the US signed into law provisions of the PAWS Act as part of the Agricultural Improvement Act of 2018. PAWS amended federal domestic violence laws to prohibit an abuser from killing, injuring, harassing, stalking, or engaging in conduct that places a victim in reasonable fear of death, or serious bodily injury, to their pet. Violation of the law carries a penalty of up to five years.

Also included within the provisions was a grant programme that provides emergency and transitional housing assistance for victims fleeing an abusive situation with their pet. In addition, it authorised the collection of restitution of veterinary medical expenses from the abuser.

The implementation of the PAWS Act provisions identified the bond between victims and their companion animals, and the ability of abusers to exploit than bond to control, manipulate, frighten and punish their victims. The provisions provide law enforcement and shelters with the additional tools needed to protect victims from their abusers.

## CRIMES (DOMESTIC AND PERSONAL VIOLENCE) ACT 2007 (NEW SOUTH WALES)

In recognition of the use of animals as an instrument of coercive control designed to torment victims, amendments were made to the definition of 'intimidation' to include harm to, or harm threatened to, animals.

In addition, protection for companion animals was made a standard condition of apprehended domestic violence orders. The New South Wales Government also committed to a one-off grants programme for refuges and animal shelters to support companion animals when victims flee violent homes.<sup>13</sup>

## CONCLUSION

The Domestic Abuse Act provided an opportunity to make the much overdue change to the lack of protection afforded to companion animals of victims of domestic abuse. By limiting pet cruelty to 'economic abuse', it fails to account for the significance of the harm as an act of controlling or coercive behaviour.

The following simple amendments could be made to the Act:

- (i) To reclassify pet cruelty as a form of controlling or coercive behaviour under section 1(3)(c).
- (ii) To extend the protection of domestic abuse protection orders to include companion animals.

Without this protection, victims of domestic violence will continue to be less likely to leave their violent homes out of concern for the safety of their companion animals. The lack of resources and protection for victims with pets makes the threats of the abuser to harm the pets all the more effective, locking victims and their companion animals in a cycle of abuse.

Protection for victims of domestic violence must extend to their family, and that includes pets.

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<sup>13</sup> NSW Government, 'New law to help protect pets from domestic violence perpetrators', <<https://www.dcj.nsw.gov.au/news-and-media/media-releases/new-law-to-help-protect-pets-from-domestic-violence-perpetrators>> accessed 21 June 2021.