

**JUSTICE AND  
ACCOUNTABILITY**

**STOP VIOLENCE  
AGAINST WOMEN**

**SUMMARY REPORT**



**AMNESTY INTERNATIONAL, IRISH SECTION**

# SUMMARY REPORT

This is a summary of a report published by Amnesty International, *Justice and Accountability: Stop Violence Against Women*.

International law places a duty upon governments to do everything in their power to respect, protect and fulfil a woman's right to be free from violence in her home or elsewhere.

Amnesty International concludes that the Irish Government has not established effective mechanisms to identify, combat and redress violence against women, leading to a continued sense on the part of victims and the women's rights movement of effective impunity for perpetrators. There is little monitoring of the effectiveness of legal and other measures to prevent, investigate and punish violence against women. The failure to meet the basic operational costs for frontline services assisting women who experience violence is a clear failure to comply with human rights standards. Clear channels of accountability have not been created for government or state authorities.

Violence against women causes long-term damage to women, and widespread harm to society. It is a serious human rights abuse. Stigma and shame must be deflected onto perpetrators of this violence. Impunity cannot be tolerated - perpetrators must be sanctioned. Women must be empowered to drive the agenda for change.

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Bianca Jagger and Colm Ó Cuanacháin at the Irish Launch of the Stop Violence Against Women Campaign, March 2004.

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Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

In pursuit of this vision, Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

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Amnesty International is a democratic, self-governing movement with more than 1.8 million members and supporters in over 150 countries and territories in every region of the world, with more than 20,000 in Ireland, all committed to placing the eradication of violence against women at the heart of Amnesty's research and campaigning agenda. To protect its impartiality and independence, Amnesty is funded entirely by its worldwide membership.

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# Summary Report

## Introduction

Gender-based violence against women is a widespread, grave and systematic human rights abuse that has remained significantly unaddressed by governments across the world. In March 2004, Amnesty International launched its international campaign to Stop Violence Against Women with a report entitled *It's In Our Hands* which gives an account of the forms of gender-based violence experienced by women throughout the world. It shows that the experience or threat of violence affects the lives of women everywhere in the world today, cutting across boundaries of wealth, ethnicity and culture. One in three women will experience some form of gender-based violence – e.g. sexual violence, or systematic domestic violence – in her lifetime. This is a summary of a report published by Amnesty International's Irish Section in June 2005, which highlights that this abuse is as real in Ireland as in any other country and that the Irish Government is not doing enough to combat this serious human rights violation.

## Violence Against Women: a gender perspective

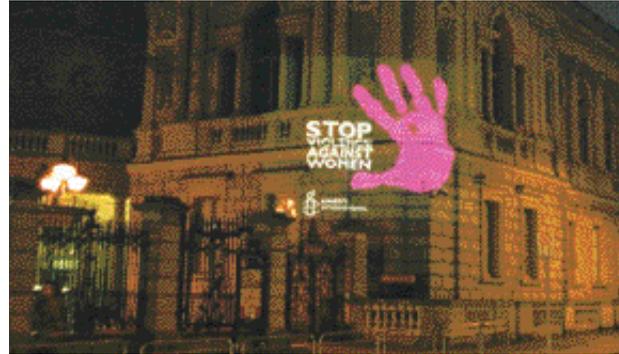
Violence against women is defined in the UN Declaration on the Elimination of Violence against Women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Not all acts of violence which harm women are gender-based. Gender-based violence is defined as that “directed against a woman because she is a woman or that affects women disproportionately”, in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

While in some instances, women may be the primary perpetrators of gender-based violence against women or girl children, such as in the practice of female genital mutilation, or violence in lesbian relationships, in the overwhelming majority of cases, men are the perpetrators. In the context of violence in the home, Garda statistics for Ireland confirm that over 90 per cent of call-outs are for female victims, and that the perpetrator in over 90 per cent of cases is male. Similarly, there were 45,000 help-line calls last year to Rape Crisis Centres, 89 per cent of which were from females, and 97 per cent of perpetrators were male. Amnesty's primary focus in this report, therefore, is on male-perpetrated violence – i.e. violence against women overwhelmingly committed by men.

## International human rights

The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was ratified by Ireland in 1985. The UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) is the body of experts that monitors states' compliance with the CEDAW Convention, and to whom governments must report every five years on their progress towards full compliance.

In its General Recommendation No. 19, the CEDAW Committee instructs states to take all necessary and effective measures to combat all forms of gender-based violence, which “is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men”. It urges governments to ensure that laws penalising violence in the family, rape, sexual assault and other forms of gender-based violence provide sufficient protection for all women and that women's integrity and dignity be respected. Victims are also entitled to services to assist in their recovery from violations of their human rights. According to General Recommendation No.



Stop Violence Against Women logo projected on Government Buildings during the recent International Women's Day Festival 'Demo to the Dáil'.

*"Violence against women ... and girls is a human rights and public health emergency worldwide. It causes mental and physical injury, exposes women and girls to diseases and forced pregnancy, increases women's vulnerability in all spheres of their lives and, in the worst cases, ends in women's deaths. As a result of decades of efforts by women's groups to fight violence against women, there is a growing recognition that violence against women has a devastating impact not only on the lives of women, but also on their families, communities and societies at large."*

World Health Organisation  
*Violence Against Women:  
A Global Health Emergency*



Amnesty International prepares for the launch of its worldwide campaign to Stop Violence Against Women by raising the issue at its biennial International Council Meeting in Mexico in August 2003. A giant banner with delegates' handprints is displayed, together with a poster demanding justice for the hundreds of women murdered in the Mexican cities of Ciudad Juárez and Chihuahua.

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effective, the government must measure and demonstrate positive outcomes in terms of reducing violence against women, punishing perpetrators and increasing women's protection and safety in real terms. Furthermore, these measures, even if effective, cannot be allowed to stagnate, but must be continually monitored, reviewed and strengthened. Statistical information on the prevalence of violence against women and the responsiveness of measures is a prerequisite to monitoring their effectiveness.

### Gender inequality

A feminist analysis of violence against women has been adopted by the UN General Assembly in its 1993 Declaration on the Elimination of Violence Against Women, recognising that: "violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement, and that violence against women is one of the crucial mechanisms by which women are forced into a subordinate position compared with men".

### Government responsibility

Primary responsibility for protecting the human rights of everyone in Ireland, including women, lies with the Irish Government. This does not just mean that the state itself must not violate women's human rights. Government must put effective measures in place, so that violence committed by private individuals is prevented insofar as possible, and women protected. It must ensure that all perpetrators are brought to justice with effective sanctions imposed. International human rights law is evolving, leading towards the conclusion that violence against women perpetrated by private individuals, including violence in the family and rape and serious sexual abuse, can, in certain circumstances, amount to torture, or inhuman and degrading treatment, contrary to Article 7 of the International Covenant on Civil and Political Rights, and Article 3 of the European Convention on Human Rights. Where women are killed, the right to life itself is violated. The state is guilty of these abuses if it fails to take reasonable measures to prevent or investigate and punish the act. In this light, there is a high standard demanded of the state in preventing violence and protecting women.

The state also has the legal duty to support women who have experienced violence, redress the wrong done to them, and provide them with adequate reparation. It must further ensure that institutional and political inequalities that serve to undermine women's right to be free from

19, the state has a clear duty to provide and adequately resource "[p]rotective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence".

In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women, which lays out in more detail measures states should adopt. In 1996, the UN appointed a Special Rapporteur on violence against women due to the urgency of this issue, who has announced: "Because of the nature of violence against women, its prevalence, persistence and high incidence throughout the world, States must develop expansive strategies in order to fulfil their international obligations effectively." The Special Rapporteur has issued comprehensive instructions to states as to how they can effectively combat this human rights abuse. In order for measures to be

violence and discrimination are identified and addressed. Government is obliged under human rights law to fulfil rights – i.e. to adopt appropriate positive measures to improve respect for and enjoyment of rights – not just to respond to abuses.

### Due diligence

This general principle of state responsibility under human rights law means that when the state authorities know or ought to know about likely or actual violations of human rights, and fail to take appropriate steps to prevent the violations or punish the violator, then the state bears responsibility for the violation. This does not excuse the person who commits the violation from individual civil or criminal liability. The man who rapes or murders his partner is the person liable under criminal law for this act and should still be brought to justice. However, the state is also guilty of violating human rights if it failed to prevent, investigate and punish the act appropriately.

The test set out by the UN Special Rapporteur on violence against women for establishing when the state has been complicit in violations committed by private actors – i.e. where the state itself is guilty of violating those same rights – is where the state condones a pattern of abuse through pervasive non-action. The UN Special Rapporteur states that "the due diligence standard is not limited to legislation or criminalisation ..., if education, dismantling of institutional violence, demystifying domestic violence, training of State personnel, the funding of shelters and other direct services for victim-survivors ... are found to be effective tools in preventing domestic violence and protecting women's human rights, all become obligations in which the State must exercise due diligence in carrying out".

### Prevalence in Ireland

The Sexual Abuse and Violence in Ireland (SAVI) Report published by Dublin Rape Crisis Centre in 2002 found that more than one in four female respondents had experienced some form of sexual abuse in their lifetime, and one in five women experienced sexual assault that involved physical contact as adults. In its first national statistics published in 2005, Rape Crisis Network Ireland revealed that 45,000 help-line calls were dealt with by the 15 Rape Crisis Centres in 2004, 89 per cent made by women. They provided face-to-face support for 2,289 survivors of sexual violence that year. In 79.6 percent of cases they dealt with, the sexual violence was not reported to the Gardaí.

The overwhelming majority of victims of rape and sexual violence know their attacker and in many cases the attacker is an intimate partner or other family member. The SAVI report found that almost one quarter of perpetrators of sexual violence against women were intimate partners or ex-partners.

One of the most common forms of violence against women is that perpetrated by a man on his intimate female partner. There is grave risk of serious injury or homicide in the context of intimate partner violence, which escalates when a woman tries to leave or seek help. International literature suggests that in a high proportion of partner murders where a woman is killed there is a history of violence against the woman in the relationship. A number of states conduct fatality reviews of deaths resulting from domestic violence, including suicides, where the events leading up to the death and the effectiveness of any interventions are reviewed, service-delivery gaps are identified, and preventative interventions improved.

Domestic violence has devastating effects on children, including depression, anxiety and behavioural problems. 64 per cent of women surveyed in the 1995 Women's Aid *Making the Links*



Justice Statue at Dublin Castle.

© Eamonn Farrell/Photocall Ireland.

*"One of the most common forms of violence against women is that performed by a husband or an intimate male partner. This is in stark contrast to the situation for men, who in general are much more likely to be attacked by a stranger or acquaintance than by someone within their close circle of relationships .... The fact that women are often emotionally involved with and economically dependent on those who victimize them has major implications for both the dynamics of abuse and the approaches to dealing with it."*

World Health Organisation  
*World Report on Violence and Health (2002)*

*"Despite the apparent neutrality of the term, domestic violence is nearly always a gender-specific crime, perpetrated by men against women. When the reverse occurs and women strike out against their male partners, such incidents barely influence statistics of the gender-specific nature of domestic violence. In any case, such incidents most often occur when women attempt to physically defend themselves against their abusive partners."*

UN Special Rapporteur on violence against women

*"Children need to be identified as victims of domestic violence, and their safety has to be ensured. This requires ensuring the safety of their mothers and making childcare facilities available to women in shelters."*

UNICEF  
*Domestic Violence Against Women and Girls, Innocenti Digest No. 6 - June 2000*

- 45,000 help-line calls were dealt with by the 15 Rape Crisis Centres in 2004, 89 per cent from women. (*National Rape Crisis Statistics, 2004, Rape Crisis Network Ireland (2005)*)
- In 2003, Women's Aid's National Helpline answered 12,908 calls, a 17 per cent increase on the previous year. 33 per cent of the calls related to physical violence, 44 per cent to emotional abuse, and 13 per cent to sexual abuse. (*Women's Aid National Freephone Helpline Statistics 2003*).
- Since the beginning of 1996, 109 women have been murdered in Ireland, of whom 72 were killed in their own homes. In cases which have been resolved, all have been perpetrated by a man and in just under 50 per cent of those cases, by the women's partner or ex-partner. In all cases awaiting trial, it is a man who has been charged. (*Women's Aid Female Homicide Murder Watch*)
- National research commissioned by Women's Aid revealed that almost one in five Irish women surveyed who had been involved in intimate relationships with men, had been abused by a current or former partner. (*Making the Links, 1995*)
- When interviewed in General Practitioners' surgeries, two out of five women who had been involved in a sexual relationship with a man experienced violence. 46 per cent reported being injured with 10 per cent reporting they had been punched in the face, 10 per cent punched or kicked in the body, arms and legs, and 9 per cent choked. (*Reported frequency of domestic violence; cross sectional survey of women attending general practice Bradley et al (2002)*)
- In 2003, 3,586 barring orders were applied for and 1,575 were granted. In the same year 2,557 safety orders were applied for and 1,108 were granted. (*The Courts Services Annual Report 2003*)
- 8,452 domestic violence incidents were recorded by the Gardaí in 2003, and 93 per cent of complainants were female. (*An Garda Síochána Annual Report, 2003*)
- A survey conducted by the Rotunda Maternity Hospital in 2000 found that in a sample of 400 pregnant women, one in eight had experienced partner abuse while pregnant.
- The Council of Europe has stated that domestic violence is the major cause of death and disability for women aged 16 to 44 in Europe – more than cancer or traffic accidents.

study who said they had experienced violence by a partner, said their children had witnessed the violence. Witnessing domestic violence is itself a form of child abuse, named as such in the state's child protection guidelines, yet there is no national strategy to identify and protect children in domestic violence situations. Children make up the majority of clients of refuges, yet few refuges are resourced to appoint child protection workers. The fact that most children in refuges have never previously presented to social workers reveals the gaps in interagency statutory protection mechanisms. Evidence shows that a significant minority of men who abuse their adult partners also physically and sexually abuse their children. Amnesty International is concerned at the reported granting to men who have committed violence against their female partners of unsupervised access to children, due to the lack of information on levels of risk available to the family courts in child custody proceedings. In a case reported to Amnesty International by Women's Aid, a survivor of repeated attacks by her husband had received a three-year barring order to keep her husband away from her. Despite this, he continued to harass her, coming to her house and threatening to kill her and her friends, smashing her car and phoning her house all night long. Following one of these

incidents he was arrested and sentenced to one year's probation. After another incident, he was again arrested and given a custodial sentence, which he appealed. He was released on bail, and allowed to see his children. At a judicial separation hearing several months later, the court refused to hear evidence about his abuse, saying that it had no bearing on the case. As a result, he was awarded joint custody of the children.

### Underreporting

Where statistics are available, they more than likely under-represent the true picture, due to significant underreporting of violence by women. For example, almost half of those who disclosed experiences of sexual violence in the SAVI report had never previously disclosed that abuse to others, and only one in ten had reported it to the Gardai. *Making the Links* found that only one in five women who experienced domestic violence in Ireland ever contacted the police. That few women report the violence they have experienced to anyone, is in part due to stigma and shame created by hostile public attitudes, but also lack of confidence in the legal protections available. This low reporting points to a denial of a remedy to the majority of victims. As a consequence, the majority of perpetrators go free of penalty and public condemnation.

### Impunity

Rape Crisis Network Ireland estimates that 95 per cent of rape cases do not result in a conviction, mainly due to the very high rate of attrition, i.e. where cases fall out of the system. Victims' withdrawal of complaints has been attributed to the long delays – up to two to three years – in cases coming to court, the lack of court support services, rape victims' intimidating experiences in the criminal process itself and the perception of lenient sentences.

Despite the introduction of the 1996 Domestic Violence Act, and the increased reporting of domestic violence to the Gardai, the conviction rate has dropped from 16 per cent in 1997 to 6.5 per cent in 2002. The Domestic Violence Act 1996 is incomplete in terms of the categories of victims covered. The implementation of the Garda Síochána Domestic Violence Intervention policy has not been reviewed, and women experiencing domestic violence, rape and sexual assault report inconsistent responses from Gardai. Family law courts are overstretched, and victims of domestic violence are experiencing long delays in accessing the courts for protective orders. They often find that civil orders are not vigorously enforced. The extent to which men are charged with appropriate criminal offences for acts of violence in the family is unknown, but it is believed that they are often charged with the least serious offences such as breaching a barring order. This uncertainty is compounded by the lack of statistics and analysis of the effectiveness of the civil and criminal justice systems.

1999 research by Women's Aid, *Safety and Sanctions*, challenges the effectiveness of the enforcement of Irish domestic violence legislation. It documented the hostile experience often met by women in the justice system due to its adversarial nature, which may lead some women to withdraw applications for protective orders or criminal charges, and called for a support service for women making applications for orders or testifying in criminal proceedings. It pointed to the low conviction and imprisonment rate, and the possible under-representation of higher income males amongst those convicted of domestic violence despite the known prevalence across all social groups, and the lack of alternative sentencing options other than imprisonment. It highlighted the need for restructuring and reform of the family law courts, and gaps in the necessary intersection



Fifty-five pairs of shoes laid out in Dublin Castle represent women murdered in Ireland by men known to them. This exhibit marked the 25th anniversary of Women's Aid in Ireland.

*"Of crimes committed, a smaller proportion are reported; of those reported, a smaller proportion are prosecuted; of those prosecuted a smaller proportion end in conviction. This progressive reduction between crimes committed and those, which end in conviction, is known as the process of attrition. We know from our direct experience with clients in Rape Crisis Centres over the past 25 years that our legal process is long and slow, fraught with difficulties and often viewed as incomprehensible by the uninitiated. .... Currently fewer than 1 in 10 complainants in cases concerning sexual violence engage with the criminal justice process at all."*

*Rape Crisis Network Ireland website*



Women's Aid protest outside the Dáil for legal reform

between the justice system and other agencies such as the Probation and Welfare Service and An Garda Síochána. Yet none of its recommendations has been implemented to date.

The effectiveness of the justice system or its sensitivity towards women experiencing violence has not been the subject of official government review to date. Amnesty International believes that comprehensive evaluation and reform of the civil and criminal justice system is essential, to ensure that it is effectively and rigorously preventing, investigating and punishing violence against women. Formally organised and periodically updated training on gender and violence against women is also needed for Gardaí, the judiciary, court staff and members of the legal profession.

### National strategy

In 1997, the *Report of the Task Force on Violence Against Women* was published by government, which contained comprehensive proposals for a coordinated, coherent and integrated response to violence against women, through the development of services and preventative strategies, and the improvement of legislation and law enforcement. The Task Force Report does not reflect Ireland's increasing diversity, the growth of trafficking in women and girl children, or the state's duties towards women seeking asylum from gender-based persecution in their countries of origin. Nor does it set out specific measures for marginalised groups of women, such as women with disabilities, while it does point to the need for such.

The 1999 Concluding Observations of the CEDAW Committee on Ireland's combined second and third periodic reports to it stated its concern "that no comprehensive and multidimensional strategy has yet been adopted to prevent and eliminate violence against women". This continues to be the case.

A key recommendation in the Task Force Report was the establishment of a National Strategy on Violence Against Women for the implementation of the Task Force's recommendations, and to ensure "a coordinated and coherent strategy both to address the needs of victims and to seriously tackle its root causes". The Task Force also recommended the establishment of "monitoring and evaluation systems" for the planning and delivery of the measures it proposed. However, neither a National Strategy, nor monitoring and evaluation systems, have been adopted to date. The Task Force Report lacks the benchmarks, time-bound targets, and specified budget allocations that a strategy would entail. Therefore monitoring its progress and holding government to account for performance on its recommendations is difficult, and progress towards its implementation has not been systematically tracked.

### National Steering Committee on Violence Against Women

In 1997, a Minister of State was appointed at the Department of Justice, Equality and Law Reform, and given special responsibility for equality issues, including violence against women measures. That year, the Minister of State established a National Steering Committee on Violence Against Women (NSC), comprised of government officials from the six government departments with responsibility for violence against women measures, and statutory and nonstatutory services, to implement the Task Force Report. The NSC is in the process of devising its Strategic Plan which should provide

much needed direction and focus to the further development of services and policy. However, Amnesty International believes that the NSC's structure lacks transparency and accountability, and it has not been enabled by government to adequately fulfill any of its original nine functions. One mechanism for tracking progress on the Task Force Report recommendations was to be through periodic reports published by the NSC. Since the 1999 *First Report of the National Steering Committee on Violence Against Women*, no further periodic reports have been published.

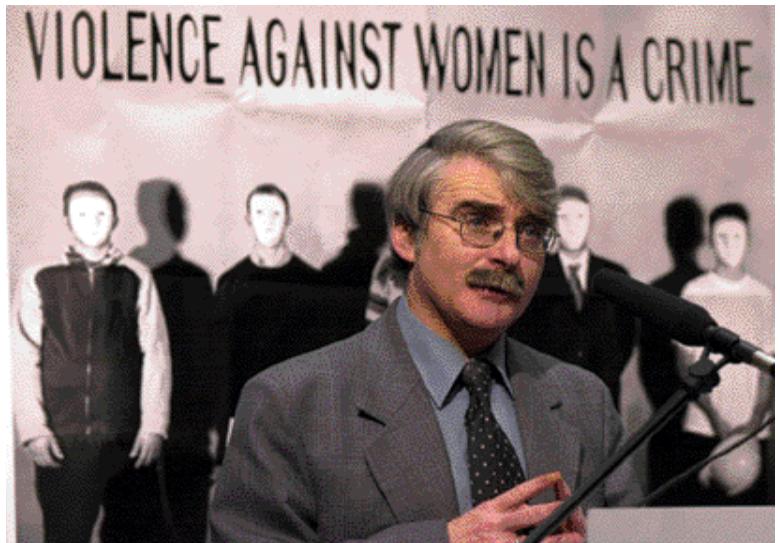
Nongovernmental organisations providing services to women experiencing violence are included in the NSC, but they can be in a difficult position when publicly critical of its functioning, as they are dependent on it for their funding allocations.

Amnesty International urges the Government to establish an independent statutory body to monitor, evaluate and progress violence against women measures, with express provision for its composition to reflect all stakeholder organisations, including those representing marginalised women. This body should periodically conduct research on women's experiences of violence, public attitudes and awareness, and monitor and evaluate the effectiveness of preventative and protective measures. It should issue annual progress reports on implementation, including analyses of statistical information on violence reported, and reviews of recent national and international research. Of paramount importance is that it should be adequately resourced to meet its statutory brief. Until full consideration is given to the establishment of this statutory agency, the NSC's Strategic Plan should include the compilation of such annual reports.

### Frontline services

Frontline services providing a range of support, advice and counseling and other services are operated almost exclusively by nongovernmental organisations. These services are trying to review and adapt their services to the diverse needs of women, a further demand on their resources. Despite the steadily increasing reporting of violence to frontline services, and the fact, therefore, that more women are accessing help through that avenue, if not the justice system, their core operational funding remains fixed at the 2003 allocation of €12 million, representing a drop in real terms in recent years. In their *Briefing Note on Funding to Voluntary (Dedicated) Frontline Service Responses to Violence Against Women (VAW)* sent to government in early 2005, frontline services described the level of funding they currently receive as "severely inadequate to meet the current needs of women (and their children)", pointing to a "funding crisis within the sector". Their demand for an immediate increase of €7 million in funding for 2005 to meet running costs of rapidly expanding services was not met. They also proposed a national funding framework on violence against women to resolve the lack of criteria, guidelines and accountability for the allocation of this funding. None of their recommendations have been adopted to date.

Of grave concern to Amnesty International, is that frontline services consistently report that the end result of underfunding is that victims are not able to access the support and protection they need. The uncertain availability of refuges and transitional or social housing for women experiencing violence in the family is a significant barrier to escaping abuse and accessing justice. Community and voluntary organisations providing crisis and support services for victims of violence in the family, and rape and sexual assault, identify underfunding as the major barrier to carrying out their



Willie O'Dea Minister of State, Department of Justice Equality and Law Reform and Chairperson of the National Steering Committee on Violence Against Women at the launch of a poster campaign aimed at raising awareness of the issue of violence against women.

© Bryan O'Brien, *Irish Times*.

*The UN Declaration on Violence Against Women instructs states to "[i]nclude in government budgets adequate resources for their activities related to the elimination of violence against women."*

*"None of the six [surveyed] local authorities had a policy on domestic violence. In their approved scheme of lettings, they all allocate priority to those who are assessed as homeless, however, the extent to which women out of home because of domestic violence are assessed as homeless varied greatly from council to council."*

*Safe Home: Sonas Housing Association Model of Supported Transitional Housing.*  
Sonas Housing Association (2004)

*"The woman has worked in prostitution since she was a teenager. The key worker feels she is forced to minimise the level of harm and damage she is experiencing. She has been raped a number of times but says "it is part of the job". The key worker feels she is deeply traumatised."*

*Secrecy, Silence and Shame*  
North West Inner City Women's Network (2005)

work. They cannot meet existing demand - victims of rape have to wait months for counselling from Rape Crisis Centres, for example. This represents a systematic and avoidable failure to meet the reasonably foreseeable need of victims of violence that, in itself, demonstrates a failure on the part of the state to exercise due diligence in the protection of women from serious violations of their human rights. These services are fulfilling the core responsibilities of the state in complying with its human rights obligations to victims of violence.

### **Prevention hampered by limited information**

Data collection on the prevalence and nature of violence against women is inadequate and fragmented. It is mainly collected and disseminated through the Gardai and courts, in a limited form, and which, given the known underreporting of violence against women, are unreliable sources upon which to base prevalence estimates. Frontline services have or are in the process of establishing comprehensive data collection and reporting mechanisms, but are inadequately funded by government to do so. Data on violence against women is not centrally and routinely collected from a range of potential statutory sources – accident and emergency departments, maternity hospitals, GPs, social workers or mental health services, for instance – which could provide a more accurate national picture of the prevalence and nature of the violence women are experiencing in Ireland.

Data is not routinely analysed by government as to why and how women are experiencing violence, i.e. there is no meaningful investigation into what precisely the state is endeavouring to prevent, and how that can best be achieved. Official evaluation of the effectiveness of state measures to combat and provide redress for violence against women is almost entirely absent. The use of accurate and systematic gender disaggregated data collection and analysis to measure progress in combating violence against women across the range of responsible government departments and policy areas is not in evidence.

### **Fragmented statutory protections**

The Gardai are the only statutory service with a formal policy on domestic violence. Otherwise local ad hoc polices and referral protocols exist in some statutory services for identifying and addressing violence against women. Social welfare entitlements, and other services are not formally reviewed for their appropriateness in protecting women fleeing violence in the family. There are substantial groups of vulnerable women, such as minority ethnic women and women with disabilities, for whom statutory services are not adapted or trained. Immigration and asylum laws and policies do not properly guard against or address violence in the family occurring while in the Irish state, and many migrant women who are experiencing violence in their families are unable or unwilling to seek help because of their vulnerable legal status, language difficulties and cultural barriers.

### **Vulnerable women**

Many women in marginalised or vulnerable groups are at increased risk of violence, or at a disadvantage in terms of availability or accessibility of support and protection. The UN Declaration on the Elimination of Violence against Women instructs states to adopt "measures directed towards the elimination of violence against women who are especially vulnerable to violence". Women at particular risk of gender-based violence, or who face additional barriers to accessing legal protection or support service include older women, women with disabilities, minority ethnic women including Traveller women, migrant and asylum-seeking women, women in prostitution and homeless women. Ireland is increasingly seen as a destination and a transit country for trafficking of women and children, often for the purpose of sexual exploitation – Irish legislation criminalises trafficking but offers little protection to victims.

## Education

Few public education initiatives have been undertaken by government to identify and address inaccurate or negative societal attitudes to violence against women, views that underpin and reinforce stigma and impunity, and militate against the identification of violence against women, including by perpetrators and victims, as a serious human rights abuse. These attitudes can also permeate policy-making if unchallenged. The 1997 Task Force Report made a series of detailed recommendations regarding the need for successive public awareness campaigns. While many initiatives have been undertaken by the National Steering Committee, there have been no large-scale public awareness campaigns to date, and the impact of these measures on public attitudes has not been evaluated. Education of children and young people does not equip them to identify and challenge violence against women, and they lack appropriate supports for disclosing the violence they experience.

## Government accountability

It is not clear that arrangements exist within the six responsible government departments to monitor the extent to which their practices are compliant with their obligations under the Task Force Report. Clearly then, the importance of a strong monitoring mechanism to track the conversion of policy statements of intent into meaningful and effective measures on the ground, and tangible outcomes in terms of the reduction of violence, and the protection and support of women, cannot be overstated. Amnesty International suggests that the Department of Justice, Equality and Law Reform should assume this overall monitoring role.

Amnesty International demands that all relevant departments' roles, responsibilities and budgets for addressing violence against women be centrally monitored and coordinated by the Department of Justice, Equality and Law Reform (DJELR), which is one of its stated functions. The pivotal position occupied by the DJELR in ensuring an integrated and adequate response to victims of violence has not been reflected in its annual reports, where it gives the barest account of measures to address violence. Monitoring and progressing the Task Force Report into meaningful outcomes is the responsibility of the DJELR. This should include monitoring and reporting on progress within other government departments and agencies. The DJELR should be responsible for compiling and disseminating comprehensive annual progress reports on the effectiveness of violence against women measures across all government departments.

## Failure to respect women's rights

The underlying cause of violence against women lies in discrimination that denies women equality with men in all areas of life. Violence is both rooted in discrimination and serves to reinforce discrimination. The Irish Government has failed to meaningfully act on any of the recommendations made by the UN CEDAW Committee in 1999 for progressing equality for women. In 2003, it submitted its 4th and 5th periodic reports to the Committee, which will be reviewed by the Committee in a meeting in New York with government representatives later this year, whereafter it will issue its conclusions on how Ireland has progressed its realisation of women's human rights.

## Conclusion

Amnesty acknowledges that much has been achieved by Irish governments in addressing violence against women, beginning with the 1997 Report of the Task Force on Violence Against Women. But government has not demonstrated that it is, to the best of its ability, using all its available resources, combating violence against women. Therefore, it has not done enough to satisfy the state's human rights obligations. Hence Amnesty International urges the Irish Government to recognise that it is in breach of international human rights law if does not take immediate and effective action to address the concerns raised in this report. When the state fails to provide justice and redress for these violations, the state itself is guilty of abusing human rights. Furthermore, it colludes with the abusers and perpetuates a climate of silence and impunity.



Minister of State, Frank Fahey receives "Hands Petition."

*"Both policy-makers and activists in this field must give greater priority to the admittedly immense task of creating a social environment that allows and promotes equitable and nonviolent personal relationships. The foundation for such an environment must be the new generation of children, who should come of age with better skills than their parents generally had for managing their relationships and resolving the conflicts within them, with greater opportunities for their future, and with more appropriate notions on how men and women can relate to each other and share power."*

World Health Organisation  
*World Report on Violence and Health.*

## General Recommendations to government

Amnesty International demands that the Government demonstrate its commitment to eradicating violence against women in Ireland, and exercising due diligence in preventing, investigating and punishing acts of all forms of violence against women. In particular, Amnesty International urges the Government to:

- Develop and adopt a National Strategy on Violence Against Women, and until then, ensure that the National Women's Strategy under preparation provides a framework for monitoring and evaluating the progress of violence against women measures.
- Replace the National Steering Committee on Violence Against Women with a statutory independent body with responsibility for monitoring and progressing the implementation of violence against women measures, and for developing and monitoring national research and data collection, guidelines, policies, training and awareness raising.
- Establish effective, demonstrable cross-departmental responsibility for addressing violence against women, with a lead role of the Department of Justice, Equality and Law Reform in recording, monitoring and driving progress.
- Systematically gather, analyse and regularly disseminate comprehensive data on the prevalence and nature of all forms of violence against women, with particular focus on marginalised and vulnerable women; and on the causes, consequences, and costs of violence against women.
- Expedite the publication of national research on violence against women commissioned by the Department of Justice, Equality and Law Reform, on the effectiveness of the existing structures and the resource needs of the sector, and develop initiatives in areas where service gaps are identified.
- Periodically review the effectiveness of measures designed to prevent violence against women, and to protect women experiencing violence, including best practice examples for combating and eliminating violence against women.
- Provide adequate funding, and establish funding criteria and more transparent funding mechanisms, for frontline services, to whom government is delegating its core human rights responsibilities.
- Review and, where necessary amend, all relevant laws on violence against women that provide for the prevention, investigation and punishment of violence against women, to ensure they meet international human rights standards.
- Review and reform the civil and criminal justice system to ensure that it adequately prevents, investigates and punishes violence against women, in a manner that is sensitive and responsive to the needs of women and children as victims and witnesses.
- Ensure that training in gender-based violence against women is integral to the training of all members of the Gardáí, judiciary, health professionals, lawyers and all other statutory agencies dealing with women and children who have experienced violence.
- Develop and introduce targeted awareness-raising and education initiatives on issues of gender and violence against women, with information disseminated in a variety of formats and fora, especially within children's education and for hard-to-reach groups.

*"Including all costs, the total cost of domestic violence for the state, employers and victims is estimated at around £23 billion. .... The demonstration of the scale of the impact of domestic violence on society by estimating its cost may enable a wider range of both policy-makers and the general public to understand the extent of the problem and the potential gains to all that could result from the reduction and elimination of domestic violence. .... It shows the cost of inaction."*

### *The Cost of Domestic Violence*

UK Department of Trade and Industry Women and Equality Unit

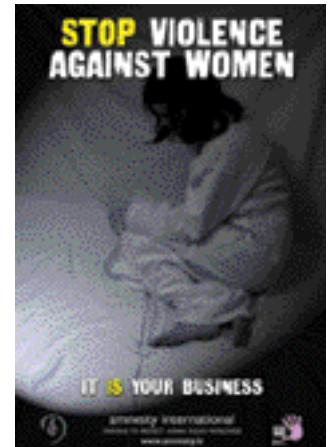
- Ensure that all women who have been subjected to violence are provided with access to redress and reparation, including safe and appropriate accommodation, and targeted measures to enable them recover from violence and establish independence, such as programmes of education, training and employment; review and revise all statutory entitlements and restrictions to ensure that they meet the needs of, and do not prejudice the safety of women endeavouring to escape violence in the family.
- Ensure that an effective interagency response to violence against women is provided by all statutory services linking with frontline services, welfare services and the judicial system, through centrally devised, monitored and regularly evaluated national policies, referral procedures, and training regimes.
- Take effective measures to promote the equality of women and counter women's impoverishment by ensuring equal access to economic and social rights, including education, employment and political participation, and implement all recommendations that emerge from the UN CEDAW Committee, in its 2005 concluding observations on Ireland's 4th and 5th reports.
- Acknowledge and support the work of nongovernmental groups of women's rights activists working to prevent violence against women, and ensure they are adequately funded.
- Adopt special measures for the protection of migrant, asylum seeking and refugee women who experience violence in the family while in Ireland; review and reform Ireland's immigration and asylum laws and related policies so that they do not leave women vulnerable to violence occurring in the state; ratify the 1990 UN Convention on the Rights of Migrant Workers and Their Families, and comply with its standards in the new Immigration and Residency Bill; publish and implement gender-sensitive guidelines on the asylum application process, and on the reception and integration of asylum seekers in Ireland.
- Ratify the 2005 Council of Europe Convention on Action against Trafficking in Human Beings at the earliest opportunity, and introduce special protections for victims of trafficking that accord with its provisions.
- Incorporate the Rome Statute of the International Criminal Court into national legislation to end impunity for violence against women in all circumstances.

### Society's role

We, Irish society, have both the power and the responsibility to finally end this abuse. Individuals are crucial to the eradication of this human rights violation. Violence against women is not a private matter – it is everyone's business. Violence against women is not just a women's issue – the solidarity and support of men and boys is essential if we are to effect meaningful change.

We must fundamentally and radically transform our way of thinking. Any act of violence against women does not occur in a vacuum. It is a consequence of the historic and persistent subjugation and inequality of women in our society. We all have a duty to challenge gender stereotypes, inequality, and the under-representation of women in all spheres of influence. Violence against women is the most extreme manifestation of men's sense of control over women's lives and bodies. Men's violence is legitimised by what they see around them in society.

All over the world, women have led brave and inspiring campaigns against this violence, achieving dramatic changes in laws, policies and practices. Women want to fight for justice and equality within their communities too, while ensuring that their community is respected by others. In the



The Amnesty International Irish Section poster which marked the beginning of the Stop Violence Against Women Campaign.



Amnesty members demonstrating at a student and youth rally in Dublin this year (2004).

context of violence against women, it is essential, not alone that we urge government and other influential agencies to include women from marginalised and disadvantaged groups in their policy and decision-making processes, but that we nongovernmental organisations too, strive to include their direct participation in informing and driving our agendas.

Amnesty International calls on communities, religious bodies, employers, trade unions , corporations and all other nonstate bodies and authorities, including the mass media, to:

- Work to create an environment which supports women and addresses violence, by building structures and processes to protect women, providing assistance to survivors of violence, and raising awareness about violence against women.
- Treat women as equal members of the community, including affording them equal participation in decision-making processes and structures.
- Ensure gender equality in their leadership, membership and all other levels within their structure, reflecting the diversity of women in Ireland.
- Denounce and desist from any action that encourages or tolerates violence against women or women's inequality, and to respect, promote and fulfil women's human rights.
- Use their influence to challenge state failures to respect the rights of women, and to call for the state's compliance with international human rights standards.

## Myths

Many myths and misconceptions still shroud violence against women – for example, that domestic violence only happens to lower income women, or that women somehow provoke sexual assaults on them. Another myth is that low prosecution rates and high withdrawal of charges indicate that charges are sometimes untrue or exaggerated. Reporting violence is an enormous step. It involves often intimidating, complicated, invasive, and sometimes unsympathetic processes. Women who report violence to friends or family are sometimes treated with suspicion and disbelief. Taking these and the many, many other factors into consideration, the question might well be asked, how do so many women find the strength to report violence and stick with the process? The impact of these myths is that victims may feel undeserved shame or fear being disbelieved by family, friends and their communities, particularly if the abuser is known to them, and may not report or proceed with prosecutions. Women must be encouraged to come forward and seek protection and redress, and we must facilitate this by refusing to fall prey to falsehoods and conjecture.

## What you can do

With sufficient political will, violence against women can be challenged and addressed in Ireland. You can add your voice to Amnesty's demands that the Irish Government give this issue the priority it deserves. We encourage you to access our materials, visit our website, and engage in lobbying or awareness raising efforts around violence against women.

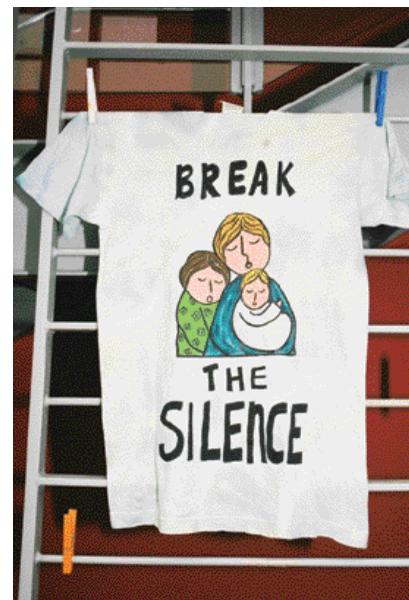
Amnesty International urges every individual to:

- Challenge negative images of women and resist mass media, advertisements and other information channels that reinforce discriminatory attitudes and perpetuate violence against women and girls.
- Equip themselves with the knowledge and information to sensitively and appropriately respond to women and children who disclose violence.
- Support Amnesty International's campaign to Stop Violence Against Women.
- Join Amnesty International and let us add your voice to our 20,000 members in Ireland campaigning for action.

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See [www.amnesty.ie](http://www.amnesty.ie) for details of our campaign

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Women's Aid T-shirt

© Mark Hill

*"Societal attitudes resulting in stigma, a backlash against women who defend themselves from violence and a general tolerance and acceptance of violence against women were identified as key social barriers to women seeking assistance in relation to their experiences of violence. This can act to inhibit women's capacity to identify and name the violence against them as abusive and wrong with the result that they are not in a position to seek help from appropriate services."*

*Changing Direction  
Review of Services in North  
Eastern Health Board (2003)*