



WOMEN'S AID

Making Women and Children Safe

19th February 2014

**Presentation to the Joint Oireachtas Committee on Justice, Equality and Defence on the Review of
Domestic Violence Legislation**

By Margaret Martin, Women's Aid Director

Women's Aid welcomes the opportunity to present today in relation to the review of domestic violence legislation in Ireland. Our submission deals with three main areas where we believe change is needed:

1. Further extension of eligibility for orders under the Domestic Violence Act and the introduction of emergency orders when courts are not sitting
2. Measures to address safety & welfare issues for children in child custody/access in the context of domestic violence
3. Stalking legislation

Domestic violence is a 24/7 crime which primarily happens in the home and therefore access to protection needs to be available 24/7. However, this is not the case at present:

Sarah was badly assaulted at home by her husband on a Friday night and called the Gardai. They were very helpful and called an ambulance but said there was little they could do there and then as there was no order in place and suggested she go to court ASAP. When she was discharged from the hospital Sarah rang the Women's Aid Helpline as she was afraid to go home. There was no refuge space available and; as her husband had threatened to burn down her parents or sister's house if she went there; Sarah had no option but to sleep in her car that Saturday & Sunday night until the courts opened on Monday morning.

If the Gardai responding to Sarah on the Friday evening had been able to apply for an emergency barring order to cover the weekend Sarah could have remained in her own home before going to court.

If Sarah had children, this would have been even more serious. Domestic violence is a very common context in which child abuse takes place and it has been found that the more severe the domestic violence, the more severe the child abuse will be. Our submission includes four recommendations dealing with issues where parents separate because of domestic violence and where provision needs to

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be made to ensure children's safety and well-being especially in relation to access. I am happy to answer questions in relation to these or any other of the recommendations in our submission if time allows.

Since our first Statistics Report in 2003 thousands of callers to our National Freephone Helpline confirm that stalking is a serious form of abuse for Irish women. It happened before the advent of new technology and while these have added to the repertoire of tactics available to an abuser, physical stalking continues to be a serious concern, carrying with it the threat of imminent harm. Stalking by ex-partners accounts for the largest group of victims, with the stalking beginning before separation in about half of all cases:

Niamh, who's 19, went out with Sean for a few months last year but split up as he was 'too intense and clingy'. He hasn't left her in peace since. He always seems to be at the corner of her road when she leaves the house, no matter what time it is, and he follows her a lot of the time. He calls or texts her almost every day. After he had mouthed her on Face Book she went to the Gardai and was informed that they couldn't do anything until he makes serious threats or harms her. Niamh was deeply shocked at this as she is very frightened. She doesn't go out any more than she has to – so she's lost her freedom as well as her peace of mind.

Stalking often escalates after separation and is linked to the abuser wanting to control a partner or ex-partner, isolate her and restrict her movement. Abusers use multiple methods to abuse, stalk and monitor women. In our experience the current definition of harassment is complex and hard to prove and therefore it is rarely used to protect women from current or ex partners. Therefore we are recommending that a specific offence of stalking be introduced and that stalking be recognized as a ground for a Safety Order.

Before finishing I want to point out that Women's Aid is a member of the Domestic Violence Coalition and fully support the Coalition's submission which includes the need to formally recognise domestic violence in immigration law and that the Irish government sign and ratify the Council Of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence as a matter of urgency.

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