



**Submission
to the COSC National Strategy
on**

**Domestic, Sexual and
Gender-based Violence**

June 2008



Introduction

Women's Aid welcomes the opportunity to make a submission to the National Strategy on Domestic, Sexual and Gender-based Violence.

While our area of expertise is domestic violence, and therefore our submission will be limited to it, we recognise the linkages between all forms of violence against women and welcome a strategy that addresses them all.

Women's Aid is a voluntary organisation offering information, support and access to services for women who are experiencing domestic violence. Women's Aid has been responding to women experiencing domestic violence for over 30 years.

- We operate the Free phone National Domestic Violence Helpline, which is open 12 hours per day, 7 days a week
- We support women on a one-to-one basis, providing information and support on financial, legal, housing and social welfare matters. We support women through the courts system and provide court accompaniment to them
- We train statutory and voluntary agencies such as the Gardaí, health professionals, Accident and Emergency staff, legal professionals, frontline staff and community groups on identifying and responding to domestic violence
- We deliver creative personal development programmes in the Dublin refuges for women and children who have been abused
- We lobby for improved legislation and policy to respond to domestic violence and we provide research and information on domestic violence to the media, public and key decision makers.

This submission reflects the experience accumulated in the past 30 years and is informed by the experiences of women accessing our services and the research and policy work of the organisation. We have also taken into consideration the experience and expertise provided by the international speakers at the very inspirational COSC conference in Waterford.

Domestic violence is a major issue for women worldwide and Ireland is no exception. While Women's Aid recognises that men may also be victims of domestic violence, research has continuously confirmed that women are the victims and men the perpetrators in the majority of cases and that women are more likely to be severely injured and even killed in the context of a violent relationship [1].

Domestic violence is one of the many forms of gender based violence, and must be understood in the context of gender inequality. The UN has defined violence against women as 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 the full advancement of women"[2]. This definition was adopted by the National Steering Committee in February 2007.

Women's Aid strongly believes that the National Strategy to combat domestic violence needs to be integrated across government departments and must have the protection and safety of the victims as its focus. The strategy needs to include: protection of the victims through the justice systems, provision of a range of services and prevention work.

Strengthening of preventative mechanisms

Prevention should include both actions to reduce the incidence of domestic violence, mostly through education and awareness raising, and actions to prevent greater harm to victims through encouraging early help seeking and early intervention.

Research has established a clear link between violence-supportive attitudes and the prevalence of violence, as well as with the responses to violence against women [3], therefore education programmes and campaigns aiming at changing attitudes to all forms of violence against women are crucial to reduce violence in the long term and to improve the responses of agencies and individuals to women disclosing violence.



Awareness raising

Women's Aid understands and welcomes that COSC is planning an awareness raising campaign on domestic violence.

However, for awareness raising to be really effective and measurable, it is vital that it is long-term, and based on attitudinal research which examines the underlying attitudes which facilitate violence against women to continue in society.

Such research should examine and detail the underlying attitudes of the Irish population that facilitate, support or prevent all forms of violence against women. It is important that such research examines **all** forms of violence against women, and not distinguish between them (e.g domestic violence and sexual violence). Such research requires a long term commitment, but would provide meaningful data which would allow the development of awareness campaigns which are fact-based, targeted and measurable.

Awareness raising campaigns arising from this research should have different components and target different audiences, including victims of domestic violence, perpetrators, the general public and the statutory systems that have a role in tackling domestic abuse, such as the judicial and the health systems.

The National Crime Council report found that women disclose domestic violence mostly to friends and family [4]. It is therefore essential that they are equipped with the information to respond in a supportive way. It is equally essential that professionals who come in contact with victim of domestic violence are able to firstly offer opportunities for disclosure and then respond appropriately.

An Awareness raising strategy should:

- Be based on attitudinal research, be fact-based and measurable
- Address **all** forms of violence against women
- Raise awareness of domestic violence and its many forms as an issue experienced by many women and lessen the stigma attached to it
- Provide information to victims, including vulnerable and marginalised groups, on legal remedies and support services available
- Communicate a clear message that domestic violence is a crime and will not be tolerated
- Provide the general public with the necessary information to respond appropriately to a victim disclosing
- Provide professionals in the Health and Judicial sector with the necessary information in relation to prevalence and best practice responses which increase the safety of the victims and the accountability of the perpetrators

Recommendations

The National Strategy should include the development of a 5 years awareness raising strategy to target:

- women experiencing domestic violence
- women from ethnic minority groups or marginalised groups (e.g. disabled women) who may experience additional barriers to leaving and /or accessing support
- perpetrators of domestic violence
- the general public
- statutory systems

Education/healthy relationships

Primary prevention with children in primary and secondary school is essential to educate them about healthy relationships and hopefully reduce domestic violence in the future. It can also provide an opportunity for those children experiencing domestic violence at home or in dating relationships to disclose in a safe environment.

Research carried out in 2001 by Women's Aid with young people found that many know of someone in their family/friends/community group who has suffered harassment or violence, that they demonstrated a lack of clarity about definitions of rape, assault and harassment and they had difficulty



disclosing their experience of violence, harassment and abuse due to lack of appropriate support structures and services [5].

One of the recommendations of the above research was the development of a mainstreamed preventative education program delivered by appropriate services. While many services have carried out educational work with young people on healthy/unhealthy relationships, this has been done in an ad hoc fashion, and varies from region to region. Given the prevalence of domestic violence this work must be carried out in a co-ordinated, consistent and well resourced manner, which is most easily achievable within the education system.

Research by Marianne Hester presented at the COSC conference suggested that programs for children in primary and secondary schools are most effective when student-centred, interactive and including visual input such as drama. Such programs need to be integrated across the curriculum and supported by teachers.

We understand that COSC, under its priority research program, will be undertaking a mapping project on the programs on domestic, sexual and gendered-based violence currently delivered in schools and youth services. We believe that such mapping exercise will be a useful first step in devising a mainstreamed educational program.

Recommendation

That COSC in conjunction with the Department of Education develops and mainstreams a program on abuse and violence in intimate relationships for young people throughout the school system. Such program should include teachers training.

Routine enquiry in the health system

The health system is ideally situated to identify women who experience domestic violence and provide an appropriate response and referral to specialist services.

Research indicates that women experiencing domestic violence will access health care professionals more frequently than non-abused women [6].

Irish research also indicates that, following family and friends, women are more likely to disclose the abuse to a GP than many other professionals [7].

The Irish College of GPs has recently launched a guide on domestic violence and is developing training for GPs to enable them to better respond to women experiencing domestic violence.

International experience confirms that routine enquiry in health settings leads to increased awareness and disclosure of domestic violence.

At the COSC conference Ann Taket made a very strong case for routine enquiry as opposed to selective enquiry. Following her presentation Women's Aid's position has changed from the position we outlined in our attached submission to the Department of Health and Children Statement of Strategy 2008-2010, and we now prefer routine to selective enquiry. Routine enquiry can contribute to changing social attitudes towards domestic violence, is less likely to stigmatise women or compromise their safety and does not rely on health professional perceptions of which women experienced or not domestic violence. Routine enquiry needs to be supported by training for staff in responding to disclosure and referring women to specialist services.

It is also well-known that pregnancy is a time of increased risk for the start or escalation of domestic violence.

Recommendations

- Women's Aid recommends that, as a minimum, routine enquiry be urgently set up in maternity services and Access and Emergency services.
- Training for GPs on how to respond to and refer clients experiencing domestic violence needs to be continued and rolled out across the country



Research to inform policy and practice

Irish specific research is needed to develop an understanding of the problem in the Irish context. We understand that COSC has developed a priority research program that includes, among other research projects, an examination of the economic cost of domestic violence, which we welcome. A research on the burden of disease caused by domestic violence to women would also be very useful, particularly in developing health based responses.

Recommendation

That COSC commission a research on the burden of disease caused by domestic violence to women

Development of support services for victims

Women's Aid welcomes COSC mapping exercise to identify services provided by the state and the NGOs to women experiencing domestic violence, as a first step to developing an integrated system of service provision.

Women and their children experiencing domestic violence need a range of services that include: emergency accommodation, transitional housing, support services, child focused services, legal advice. Specialised services for women from minority ethnic background and/or with additional barriers such as mental health or disability also need to be developed.

Refuges and support services

Refuge provision in Ireland remains inadequate and many women and children are denied access to refuge each year. In 2004 the 3 refuges in the Eastern Region refused more than twice as many women as they accommodated [8]. While we do not have more recent data on how many women and children are refused refuge accommodation because refuges are full, our experience from operating the National Helpline is that many women and children cannot access the emergency accommodation and support they need when they need it.

There is a need for the establishment of new refuges.

In the UK, the target included in the Best Value Performance Indicator for Domestic Violence (BVPI 225) is of a minimum of 1 refuge place per 10,000 of population [9].

An issue brief written by WAVE (Women Against Violence Europe) for the UN Division for the Advancement of Women Expert Group's meeting in July 2005, reports that as early as 1986 the Women's Rights Committee in the EU Parliament recommended one family place per 10,000 population and in 1998 the Council of Europe expert group amended this figure to 1 family space per 7,500 population [10].

The National Network of Women's Refuges and Support Services reported that the refuge capacity of its members in 2007 was 123 women's beds and 445 children's beds [11] for a population of 4,239,848 [12]. As children are always in the refuge with their mothers, we can assume that there are no more than 123 family spaces.

To reach the minimum standard of one family place per 10,000 population, Ireland should have at least 423 family places.

Recommendation

To ensure access to safe, emergency accommodation for women experiencing domestic violence a target of at least 1 refuge place (defined as number of rooms providing bed spaces for a woman and her children) per 10,000 of population should be agreed and a time-frame for achievement set.

As well as refuges, other forms of support services need to be available, so that women experiencing domestic violence are able to access the support that is most appropriate to their circumstances.

Such services need to:

- support women who are still in abusive relationships
- support women who remain or return to the family home after the perpetrator has been



removed/has left. This may include providing safety measures such as target hardening or victim cocoon, as well as outreach and legal support

- provide long term counselling and support to deal with the effects of domestic violence after crisis
- be accessible for women from ethnic minority and women with complex needs (such as disability, mental health or drugs and alcohol issues)

Services for marginalised women

Women with additional barriers to accessing services and protection, such as women from minority ethnic groups, women with disabilities, women with complex needs (e.g. mental health issue or drug and alcohol) are particularly vulnerable to domestic violence.

- Work carried out by Women's Aid in conjunction with AkiDWA has found that there is a need for the establishment of specialised services for migrant and minority women experiencing domestic violence, as they often face additional barriers in accessing services [14].
- Women's Aid noted that the Brooklyn Family Justice Centre presented at the COSC conference included a number of partnerships with ethno-specific organisations to better support women from minority groups.
- The lack of language support has been identified as a major issue for women from ethnic minorities being able to access services. This is also our experience in providing support to migrant women using the National Free-phone Helpline or our Support Services.
- Traveller women accessing domestic violence services still experience racism and discrimination. This may include hidden or invisible barriers while attempting to access services, such as issues of repeat visits, poor literacy or the refuge having an unwritten policy whereby, only one or two Traveller women are allowed access to the service at any given time.
- There are still no specialist services for women suffering from drug and alcohol addictions or mental health difficulties escaping domestic violent relationships.
- Women with disabilities (whether physical or intellectual), experience high level of violence and face increased barriers in leaving abusive relationships and accessing services. This is due to services not being accessible, lack of transport, lack of independent income, perpetrator being her carer, etc.

It is necessary that the Strategy is informed by the experiences of Traveller women, ethnic minority women, women with disabilities, and women with complex needs in order to make services more accessible and appropriate and to ensure that the strategy is relevant to them.

Recommendations

- That dedicated funding for interpreter and translation services be provided to front line services
- That funding be provided to Women's Aid National Free-phone Helpline to enable it to access telephone interpreting as needed through a professional language service
- High Dependency Units for women who experience domestic violence and have alcohol and drug dependencies should be developed [14].
- That domestic violence services are resourced to make their services accessible to all women (for example in terms of wheelchair access, sign language, etc)
- That COSC consults with Traveller women, ethnic minority women, women with disabilities, and women with complex needs to ensure the service provision is appropriate and the whole strategy is relevant to their needs
- Cross cultural training should be provided for all domestic violence services
- Cross training between domestic violence sector, disability and mental health sectors should be provided.

Transitional and Long term Housing

The links between domestic violence and homelessness is widely acknowledged in international research; however this link is not sufficiently made at a policy level in Ireland.



As a result, homelessness and housing policies and interventions are inadequate and inappropriate for women and children escaping domestic violence. In particular, the use of B&Bs and the lack of common policy guidelines for local authorities have been identified as problematic [15].

Transitional and long term housing play a significant role in assisting women and children who have experienced domestic violence. They provide support and stability necessary to re-establish their lives.

Local authorities play an essential role in housing women out of home due to domestic violence; however there is considerable variation between local authorities as to how they respond to women who need housing due to domestic violence. Policy and guidelines need to be agreed by all local authorities so that women receive the same response, regardless of their location.

The Government Task Force on Violence against Women recommended that local authorities make special provision in their scheme of lettings for women out of home due to domestic violence [16].

The Housing and Refuges subcommittee of the Eastern Regional Planning Committee has been doing valuable work on this issue and its recommendations need to be implemented.

Women's Aid also supports the recommendations made by Sonas Housing Association in their submission to COSC.

Recommendations

The strategy should ensure that Local Authorities:

- develop centrally devised and agreed policy and guidelines on providing housing and other supports and appropriately responding to women and children out of home due to violence, as recommended by the Report to the Eastern Regional Planning Committee on Violence against women [17].
- include in their tenancies agreements a clause that states that perpetration of domestic violence is reasonable cause for eviction, as recommended in the above report.
- B&B accommodation needs to be phased out and appropriate crisis, temporary and long term accommodation options developed

Children

Children are victims of domestic violence both when directly targeted by the perpetrator and when witnessing violence directed at their mother.

Research has shown that there is a correlation between domestic violence and child abuse, and that witnessing the abuse is in itself a form of emotional abuse [18].

In 2006 2,985 children were accommodated in refuges with their mothers in Ireland [19]. However, there is no specific funding line to deal with the needs of children in refuges. According to Hogan and O'Reilly, in 7% of 286 child protection cases referred to social work teams, domestic violence was the main reason for the referral. In a further 19% of cases, domestic violence was also cited as a child protection concern; this increased to 32% upon investigation [20].

Research and our own experience also suggest that, notwithstanding the established links between domestic violence and child abuse and the finding that witnessing domestic violence is a form of child abuse in itself, Child Protection professionals are not well equipped to respond appropriately to families where domestic violence is an issue [21]. Domestic violence and the risk to children are minimised, particularly if the children are not directly targeted, or the mother is held responsible for not keeping the children safe.

Women experiencing domestic violence, and particularly Traveller and ethnic minority women, are scared that the involvement of Child Protection services will mean that their children would be taken away. There needs to be a better collaboration between Child Protection and domestic violence services based on the understanding that the best way to protect the child is to support and protect their mother.



Our Helpline has noted an increase in the number of under-age young women in abusive relationships, often with older men. These young women are exceptionally vulnerable as they are still classed as children and are not entitled to social welfare benefits and other social supports. It can also be difficult for them to access refuges as they are themselves underage and there is a reporting requirement for refuges in relation to children.

Recommendations

The National Strategy on domestic violence should include services, policies and initiatives that address the needs of children.

These should include:

- Assessing the needs of children in refuges in relation to access to refuges, equipment, programs and staff and establishing adequate funding lines for meeting the needs of children in refuges
- Provision of counselling/long term support after crisis
- Establishing better collaboration between the domestic violence sector and Child Protection services and ensuring that Child Protection professionals are trained in domestic violence
- Establishing better collaboration between the domestic violence sector and the Youth Work sector
- Ensuring that welfare and other relevant support is available to victims of domestic violence regardless of age

Family Law Issues in relation to Children

It is our experience that often the abuse of the mother and the children continues after separation, especially in the context of Access visits/ or joint custody.

The contact between the ex-parents required by access or joint custody is used as an opportunity to threaten, intimidate and physically abuse the woman.

Children are forced to witness their mother being abused or may be directly abused by the perpetrator. It is our experience that it is extremely difficult for women in these situations to obtain protection through the legal system.

Women's Aid is gravely concerned about the lack of coordination between the civil and criminal law systems in domestic violence cases and about the way in which the risk a violent man poses to women and children's safety continues to be disregarded in many Custody and Access proceedings. It is our experience that often the Courts are not supplied with vital expert reports or information on perpetrator risk.

Other jurisdictions have enacted legislation to better protect women and children separating in a context of domestic violence, in the form of a rebuttable presumption of no custody /no unsupervised access to perpetrators of domestic violence.

Supervised contact centres

Forthcoming research from One Family on the need for Child and Family Contact Centres confirms that there is no specialist supervised contact centre in the Republic. Such centres are fairly common in other jurisdictions.

When Supervised Access orders are made, there is no properly professionally supervised centre available. Currently most supervised access is supervised by a family member. This unsatisfactory arrangement leads to repeat appearances in Court

Moreover, many women are forced by the lack of alternatives to have contact with the abuser during handover of the child/ren. The abuser often uses this opportunity to continue to intimidate, threaten or abuse the woman.

The afore mentioned research by One Family recommends that a range of services needs to be developed, from informally supported centres for parents who need to reconnect with their children to specialist supervised centres where there are serious concerns for the well being of the children.

Women's Aid believes that when Access is ordered in cases with a history of domestic violence it is



essential that supervised access and/or handover be carried out in apposite centres with professionals trained in the dynamics of abuse and child welfare, as happens in other jurisdictions.

Recommendations

- Research should be carried out on the issue of custody and access in the context of domestic violence to identify how the Family Law system can deal more effectively with the issue to maximise the safety of women and children. This should include examining relevant legal options in other jurisdictions that support the safety of the child and the non-abusive parent.
- Appropriate supervised access/handover centres should be established and used by the Family Law Courts where the Court has information that domestic violence is an issue in the case.
- In order to provide necessary information to the Court, the Probation and Welfare Service must be resourced by the Department of Justice to resume its role in Family Law cases and fulfil its statutory remit under the *Family Law Act 1995*.
- The Department of Justice, Equality and Law Reform should ensure that training and awareness on the dynamics of domestic violence is provided for the judiciary and all court personnel engaged in the Family Law system

Womens' Aid also endorses Barnardo's recommendations included in their submission to COSC and in particularly the following recommendations:

- that witnessing domestic violence is included as a form of child abuse under the Children's First Guidelines
- Judges should have access to all relevant information prior to deciding custody / access arrangements.
- Guardian ad Litem should be appointed in all cases dealing with custody / access arrangements and child sexual abuse cases.
- Supervised access visits where violence is known

Training/accreditation

A variety of training is delivered to NGOs and to statutory agencies dealing with domestic violence by different training providers.

Women's Aid provides training to the Garda College, Health and medical personnel, Family Resource Centres and Community Development Projects. We have also completed work on the accreditation of training for community services with funding from the Gender Equality Unit.

Some professionals receive training on domestic violence as a part of their education or they may receive in-job training.

Other organisations and NGOs throughout the Republic provide a variety of training sessions to various audiences. However the training is often delivered in a non-systematic way, and there is no clear picture of training needs and training delivered at a national level.

There is no specialised accredited training for workers in refuges and domestic violence support services.

It is essential that appropriate and tailored training is delivered to all professionals who deal with domestic violence. This would include: refuge and domestic violence support services workers, teachers, social workers, child protection professionals, the judiciary, solicitors, Court personnel, medical personnel, mental health professionals to name just a few.

Recommendations

- That a national working group on training made up of key experts in domestic violence training



and service provision (including the community sector, medical and social sectors, the justice system and current training providers) is established to develop a National Integrated Domestic Violence Training Plan

- That Training and Accreditation for refuge and support services workers is developed
- That training includes cross cultural training and training on working with women with complex needs

Protection of victims

The justice system is the only system that can protect women from violence in the home.

International research, as evidenced in the COSC conference, demonstrates that effective response from the justice system can reduce repeat victimisation and domestic violence homicide.

However in Ireland a significant number of women are not protected by Domestic Violence legislation and the response of the legal system to domestic violence crime remains inconsistent and often inadequate.

Amendments to the DV Act

The *Domestic Violence Act 1996* does not offer protection to parties with a child in common and not residing together, and cohabitees who do not meet the eligibility criteria, as well as to women in dating relationships that have never cohabited with the abusive partner.

Women's Aid is very concerned by the number of young women contacting our Helpline who are in abusing dating relationships and are not covered by the Domestic Violence Act.

We are also concerned by the number of women who experience abuse long post separation. Our National Helpline Statistics show that in 2007 9% of our callers experienced abuse by an ex-husband and 13% by an ex-partner to whom they were not married [22]. This last group is particularly vulnerable. Even women who had been cohabiting prior to separation will only be eligible to apply for protection under the Domestic Violence Act if they apply within a few months of ceasing co-habitation, or they will not be able to meet the residency requirement. The abuse however, may continue for much longer, with no effective protection available.

Recommendations

1. The *Domestic Violence Act 1996* should be amended as soon as possible to expand the eligibility criteria for protective orders and to include guidelines on the granting of such orders. As a minimum:
 - (a) **Parties with a child in common but not residing together should be eligible for protection under the *Domestic Violence Act 1996*.** Under the current Act, no provision for protection exists for unmarried parties who are not living together but have a child in common.
 - (b) **The residency requirement for cohabitees applying for a Safety Order should be removed.** Currently, in the case of non-married couples who are living together, one partner may apply for a safety order if s/he has been living with the other person for 6 out of the previous 12 months. As a Safety Order does not order the abusive party to leave the home it is not clear why there is a residency requirement for this order.
 - (c) **The residency requirement for cohabitees who have an equal or greater interest in the property should be removed for barring order applications.** Currently, in the case of non-married couples who are living together a barring order may only be sought if the applicant has lived with the respondent for 6 of the previous 9 months AND has an equal or greater ownership rights to the family home.
 - (d) **In the longer term, ways to protect women in dating relationship and post separation need to be explored.** Eligibility Criteria for Domestic Violence Orders used in other jurisdictions should be explored [23].



Guidelines in relation to the criteria for granting orders under the *Domestic Violence Act 1996*.

The Act fails to set out criteria regarding the standard or type of proof necessary to determine the basis for the granting of an order. This has led to considerable variations across the country regarding the grounds on which courts will grant protective orders. In this regard the Law Society in a survey found considerable variation among judges regarding the evidence they considered sufficient in order to obtain a protective order [24].

This is also Women's Aid experience.

Recommendation

Guidelines should be developed in relation to the criteria for granting orders under the *Domestic Violence Act 1996*.

Improving the legal system response

Monitoring implementation of An Garda Síochána Domestic Violence policy

An Garda Síochána are the only 24 hour protection available to victims of domestic violence and consequently play a critical role in potentially life threatening situations.

They are also often a victim's first point of contact with the legal system and their response is crucial for the victim's continuing her engagement with the legal system.

An Garda Síochána is the only statutory agency that has a policy on Domestic Violence. While Women's Aid has welcomed the policy and its pro arrest stance, it is our experience that its implementation is inconsistent. Women who access our services report both excellent and inadequate responses from the Gardaí. It is imperative that when women do take the difficult step to report domestic violence to the Gardaí, they are met with an appropriate response. It is therefore essential that measures are taken to monitor and support the implementation of the Domestic Violence policy in all stations.

Recommendations

- That the implementation of Garda Síochána policy on domestic violence is monitored and evaluated across the country
- That performance indicators relating to Garda responses to domestic violence are developed and included in Garda Policing Plans. In particular, performance indicators relating to prosecution of Breaches of Domestic Violence Orders should be developed.

Risk assessment

Domestic violence poses a great risk to women's safety, with international research confirming separation and disclosure/support seeking as heightened risk times for severe injury or even death.

It is therefore imperative that Gardaí are aware of the risk indicators and of possible responses to minimise those risks. It is clear that this is best done in the context of a multi- agency response.

As discussed further below, Women's Aid recommends the setting up of MARACs in Ireland. Other recommendations in relation to risk assessment and policing domestic violence were developed for a recent submission to the Garda Crime Reduction Strategy and are attached in Annex 2.

Multi agency- response to domestic violence including support and justice

The COSC conference showcased a number of noteworthy coordinated responses to domestic violence, where NGOs and state agencies, crucially including the civil and criminal justice agencies, worked



together to provide best response to victims of domestic violence.

In Ireland the fragmentation of the agencies responding to Domestic Violence and the lack of shared information and communication prevents women from obtaining adequate and prompt responses.

Women's Aid was impressed with the Family Justice Centres model presented by Mr Charles Hynes and Ms Wanda Lucibello.

This one stop model and the collaboration it fosters between different services and agencies has great potential to assist women in a holistic fashion and to overcome some of the difficulties women encounter in Ireland due to lack of communication and partnerships between different agencies.

Women's Aid was also very interested in the very positive outcomes obtained in the UK by MARACs for women at high risk of homicide and severe injury. This model is also based on multi-agency collaboration with the safety of the victim as the main focus.

Recommendations

- That the Strategy develops and pilots models of intervention based on the Family Justice Centre in an Irish Context
- That Strategy develops and pilots Multi Agency Risk Assessment Conference for high risk victims of domestic violence
- That subsequent to positive evaluation, these models are rolled out across the country.

Support in Court

Going to Court for a contested Domestic Violence Order or for separation related proceedings in a context of domestic violence is highly traumatic and problematic for women who live in fear of their partner.

Women need to feel safe and supported to be able to initiate legal proceedings and remain engaged with the legal system. Court accompaniment services therefore provide a vital service for women.

It is also essential that women are legally represented in Domestic Violence Orders hearings, as well as in proceedings relating to custody, access and separation/divorce when these occur in a domestic violence context.

Recommendations

The National Domestic Violence strategy should ensure that:

- Court accompaniment services are adequately funded and that their geographical spread adequately covers the state
- Victims of domestic violence are able to access priority Legal representation for cases including Domestic Violence Order as well as ancillary orders such as Maintenance, Access ad Custody Orders.

Dealing with offenders

Conviction rates for perpetrators of domestic violence are alarmingly low in Ireland.

Safety and Sanctions, research commissioned by Women's Aid in 1999, examined the effectiveness of the civil and criminal judicial systems in dealing with cases of domestic violence [25]. The research found that only between 1 and 6% of domestic violence crime results in a prison sentence [26].

A review of case files done by a rural domestic violence support service for 2007 found that:

- in 31 files, there were reports of domestic violence which constituted criminal acts. These crimes included: breaches of orders, threats to kill, rape and sexual assault, assault, assault causing harm or serious harm, criminal damage, abduction of children and harassment



- a total of 112 crimes were mentioned in these files
- of these 31 women, only 13 had reported to the Garda, 17 had not, and 1 was not noted
- 27 of these crimes had been committed in the previous 6 months
- the files recorded only **one** arrest, **no** prosecution and **no** custodial sentence

While it is possible that more arrests were made which were not reported to the Domestic Violence Support Service, this small study highlights the fact that adequate sanctions for criminal domestic violence behaviour are still very rare.

Better training and guidelines and improved practises for Garda, the Judiciary and legal practitioners are needed so that domestic violence crime is sanctioned and offenders are deterred.

The National Domestic Violence Intervention Agency (NDVIA) had initiated excellent work with the justice system (particularly with the Garda and the Court) to improve their response to victims of domestic violence. It is our understanding that COSC will progress this work.

We know from the women accessing our services that often their experience of Court is negative and stressful. Proceedings are drawn out, costly and often do not end up increasing their safety and the safety of their children. At times being involved in legal proceedings may even increase the abuse the woman is subjected to, as the perpetrator "punishes" her for taking action.

In other jurisdictions, specialised Domestic Violence Courts and/or Fast Track systems have been established to deal with Domestic Violence cases. The Courts are victim focused and employ specialised personnel with training and experience in domestic violence.

These Courts aim at increasing victim's engagement with the system, while at the same time reducing the attrition rate and reducing the time cases take to be finalised.

Recommendations

- That training for the Garda, the judiciary, court personnel and legal representatives who deal with domestic violence cases is developed and rolled out nationally.
- That the learnings from the work carried out by the NDVIA are further progressed and rolled out nationally
- That COSC explore the feasibility and costs/benefits of establishing a specialist Domestic Violence Court in Ireland.

Ensuring the effectiveness of action

Policies

A number of government department and agencies provide services to women experiencing or fleeing domestic violence. The lack of clear and published policies and guidelines in government departments dealing with domestic violence, means that women often receive inconsistent responses, and also makes service delivery difficult to assess and monitor.

Recommendations

That all departments and agencies that play a role in responding to domestic violence should develop clear policies and guidelines on what is their best practice response.

- Such policies should take into consideration the needs of marginalised women, such as travellers, disabled women, migrant and refugee women.
- Policies need to include provision of training for all relevant staff.
- Given the prevalence of domestic violence, policies should also be developed to support staff experiencing domestic violence
- The policies and guidelines should be easily available to the public on the departments/agencies websites.
- Mechanisms to monitor the implementation of the policies need to be put in place.

Data

There is a paucity of data in relation to domestic violence in Ireland.

Women's Aid is very pleased that COSC is undertaking research to establish what data is collected by



various agencies in Ireland and what additional data is needed to be able to carry out meaningful research and identify trends and progress.

An Audit day, as suggested by Prof Stanko at the COSC conference, could be a useful starting point to gauge the size of the problem in Ireland.

Recommendations

- A data collection and analysis strategy needs to be developed, which includes data from the Garda and the Courts, the HSE, and local authorities
- That COSC organises an Audit day of calls to selected services on the model provided by Prof. Stanko

Domestic Violence Homicide Reviews

Domestic violence homicide reviews teams have been used in other jurisdictions to identify systemic gaps and shortfalls in service delivery to victims of domestic violence homicides.

Their overall aim is to improve effective risk assessment and risk management and consequent interventions with the ultimate goal to help preventing such homicides in the future [27] and to inform the practice of the wide range of agencies dealing with the issue.

In this regard, Women's Aid has just began a domestic violence homicide research project with Prof. Liz Kelly, Child & Woman Abuse Studies Unit, London Metropolitan University, which should be completed by 2009 and which, we hope, has the potential to increase the safety of many women and to assist in identifying gaps that need to be addressed to make the system more responsive and effective in combating domestic violence.

Conclusions

The importance of a coherent and co-ordinated interagency response to domestic violence, which includes statutory agencies and the community sector, cannot be underestimated.

So. What might an *effective response* look like? Let's take a potential scenario of a woman experiencing domestic violence and negotiating the legal system in Anytown, Ireland. Her name is Caroline.

Caroline experienced severe physical, sexual and emotional abuse by her husband. Her children have seen their father abusing her, have been hit by him while trying to defend her and are terrified of him. On one particular occasion, her husband dragged her upstairs by her hair and the hair came out in clumps. He kicked and beat her on the legs.

Caroline called the Gardaí who responded quickly and removed her husband from the home. They referred her to Accident and Emergency, took pictures of her injuries, gave her information about protective orders and handed her a card with the number of a domestic violence support service on it. In the A&E the doctor makes a detailed report of her injuries.

When Caroline contacts the support service they give her the number of the Legal Aid private practitioner's service so that she is able to fast track access to legal representation. They also offer to accompany her to court as support.

In court, Caroline has legal representation, support, photographic and medical evidence and the presiding judge has a legal background in family law and a good understanding of domestic violence. Caroline is granted an Interim Barring Order and, when her husband assaults her two weeks later, he is arrested, charged and given a custodial sentence for breach of the Order. Later on, when he seeks Access to the children, a risk assessment is carried out and supervised access ordered in an appropriate Centre.

The domestic violence support centre also refers her and her children to ongoing counselling.

Here, the outcome is that Caroline is well informed, supported and protected and her abuser is sanctioned for his violence. Unfortunately this kind of coordinated response is not yet happening in Ireland.



Women's Aid hopes that the National Strategy will foster the development of an interagency coordinated response to domestic violence so that such a response will become the norm.



NOTES

- 1 World Health Organisation, (2002) *World Report on violence and health*, World Health Organisation, Geneva, page 89, and 93, and National Crime Council and Economic and Social Research Institute, (2005) *Domestic Abuse of Women and Men: Report on the National Study of Domestic Abuse*, The Stationery Office, Dublin
- 2 UN declaration on the Elimination of Violence Against Women A/RES/48/104, 85th plenary meeting, 20/12/1993
- 3 See for example Victorian Health Promotion Foundation, 2006, Two steps forward, one step back Community attitudes to violence against women, available at http://www.vichealth.vic.gov.au/assets/contentFiles/CAS_TwoSteps_FINAL.pdf
- 4 National Crime Council and Economic and Social Research Institute, (2005) *Domestic Abuse of Women and Men: Report on the National Study of Domestic Abuse*, The Stationery Office, Dublin
- 5 *Teenage Tolerance the hidden lives of young Irish people* (2001) Women's Aid
- 6 Kelleher and Associates and O'Connor, (1995), *Making the Links: Towards an integrated strategy for the elimination of violence against women in intimate relationships with men*. Women's Aid, Ireland; 7 National Crime Council (2005) op. cit.
- 7 Kelleher and Associates and O'Connor (1995) op. cit, National Crime Council (2005) op. cit.
- 8 O'Connor, M. *Housing Policy and Practice for Women Experiencing Domestic Violence—A Report to the Eastern Regional Planning Committee on Violence Against Women incorporating a survey of the six Local Authorities in the region*. Dublin
- 9 Office of the Deputy Prime Minister, (2005) *Best Value Performance Indicators 2005/2006*, London. Note that 'Places' means the number of rooms providing bed spaces for a woman and her children.
- 10 Issue brief prepared by WAVE for the UN Division for the Advancement of Women Expert Group meeting , 17-20 May 2005, Vienna. Available at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/background/wave.paper.pdf>
- 11 email communication to member services
- 12 Central Statistical Office Website <http://www.cso.ie/statistics/Population1901-2006.htm>
- 13 Immigrant Council Of Ireland, Women's Aid, AkiDWA Addressing the needs of Black and Minority Ethnic Women Experiencing Male Violence, Report of a seminar hosted by AkiDWA, The Immigrant Council of Ireland and Women's Aid, July 2006
- 14 O'Connor and Wilson (2004), *Safe Home, Sonas Housing Association Model of Transitional Housing*.
- 15 O'Connor M. and Wilson N., 2004, *Safe Home Sonas Housing Association Model of Supported Transitional Housing*
- 16 *Report of the Task Force on Violence Against Women*, Office of the Tánaiste, 1997.
- 17 O' Connor, *Housing Policy and Practise for Women Experiencing Domestic Violence - A report to the Eastern Regional Planning Committee on Violence against Women Incorporating a Survey of the Six Local Authorities in the Region* (2006).
- 18 See for example Hogan, F. and O'Reilly M. (2007) *Listening to children: Children's stories of domestic violence*. Office of the Minister for Children/Department of Health and Children. Dublin
- 19 National Network of Women's Refuges and Support Services, 2006 Statistics
- 20 Cited in: Hogan, F. and O'Reilly M. (2007) *Listening to children: Children's stories of domestic violence*. Office of the Minister for Children/Department of Health and Children. Dublin
- 21 *ibid*
- 22 Women's Aid National Free-phone Helpline and Support Services Annual Statistics 2007
- 23 For example see eligibility for Apprehended Domestic Violence Orders in NSW <http://www.lawlink.nsw.gov.au/lawlink/vaw/dvguidelines.nsf/pages/avo>
- 24 The Law Society Law Reform Committee (1999), *Domestic Violence: A Case for Reform*.
- 25 Kelleher and O'Connor (1999), *Safety and Sanctions: Domestic Violence and the Enforcement of Law in Ireland*, Women's Aid.
- 26 *ibid*.
- 27 See for example: *Domestic Violence Death Review Committee Annual Report to the Chief Coroner 2005*, available at http://www.mcscs.jus.gov.on.ca/english/publications/comm_safety/DVDRC_2005.pdf and Nadia David, *Exploring the use of Fatality Review Teams*, Australian Domestic and Family Violence Clearing house Issue Paper No. 15, October 2007, available at http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issues%20Paper_15.pdf