

WOMEN'S AID

BRIEFING PAPER ON DOMESTIC VIOLENCE

June 2016

RECOMMENDATIONS

1. Adequate funding:

- a) Restore funding to Women's Aid and fund the extension of the National Freephone Helpline to a 24/7 service.
- b) Restore and increase funding to domestic violence services so they can meet demand and increase refuge provision to meet international standards.
- c) Provide dedicated funding for training of relevant state agencies.

2. Improve legislation to provide better protection to victims by:

- a) Ratifying and implementing the Istanbul Convention.
- b) Further amending the Domestic Violence Act to extend eligibility for Safety Orders to all parties who are or have been in an intimate relationship, regardless of cohabitation, and providing for Emergency Barring Orders.
- c) Introducing Stalking legislation to cover traditional and online/digital stalking including both direct and indirect forms.

3. Improve protection for children experiencing domestic violence by:

- a) Providing for assessment of children's safety when granting Barring orders
- b) Funding Child Contact Centres to facilitate safe, supervised access visits between children and perpetrators of domestic violence.

4. Develop and implement housing legislation and policies to provide housing to women and children who have to leave home due to domestic violence and remove barriers to accessing social housing.



RATIONALES

1. ADEQUATE FUNDING

- a) Since the start of the recession, funding to Women's Aid has been slashed by 31% while demand on services has increased.

Nonetheless, in 2016 Women's Aid extended the availability of the National Freephone Helpline to 24 hours (from 12 hours previously), in line with the Istanbul Convention and EU Victims' Directive. The fact that in March 2016 alone the Helpline answered 522 calls during the "night shift" proves how much this extension is needed.

- b) Many domestic violence refuges and support services have received substantial funding cuts¹, leading to reduced hours, programmes and services for vulnerable women and children, while demand has increased.

This has created huge unmet demand. In 2014, domestic violence services were unable to meet 4,831 requests for safe accommodation because their refuge was full².

Ireland has a total of 21 women's refuges with 141 family places, which represent only 31% of the places needed according to the Recommendation of the Council of Europe³.

This does not meet the requirement of the Istanbul Convention that states provide "shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims"⁴.

Funding to reach 100% of recommended refuge provision must be granted in the next 5 years of the national domestic violence strategy.

- c) Staff in all agencies that assist women experiencing domestic violence need to be trained to understand the impact of abuse on women and children and the risk of the abuse continuing or escalating.

The need for training of all relevant professionals is included in both the Istanbul Convention and the EU Victims' Directive

and is a key objective in the Second National Strategy on Domestic Sexual and Gender-based Violence 2016-2021.

Dedicated funding must be set aside to provide high quality training to all statutory agencies and community organisations where women may seek assistance.

2. IMPROVING LEGISLATION

- a) Ireland signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), on 5/11/2015, but is yet to ratify it.

- b) The General Scheme of a Reformed and Consolidated Domestic Violence Bill was published in 2015. While it includes many positive measures, it does not address the lack of protection for dating relationships and the lack of Emergency Barring Orders.

- In 2015, there were just over 17,000 visits to www.2in2u.ie, the Women's Aid dating abuse website.
- 38 women who availed of Women's Aid one to one services in 2015 were in a dating relationship, i.e. they never cohabited with the abuser. Currently these women are not eligible for protection under the Domestic Violence Act 1996 (unless they have a child in common with the abuser) nor this will change with the new Bill. Protection from domestic violence should not be contingent on cohabitation, therefore Safety Orders should be available to all parties who are or have been in an intimate relationship.
- Another significant gap is the lack of Emergency Barring Orders, i.e. orders available, in an emergency situation, when the courts are not sitting (for example over the weekend), so that victims of domestic violence do not find themselves in an emergency without protection for extended periods of time.

1 *Safe Ireland (2014) Safety in a time of crisis: Priorities for protecting women and children impacted by domestic violence, Dublin.*

2 *Safe Ireland National Domestic Violence Service Statistics Report 2014*

3 *Women Against Violence Europe (WAVE) Country Report 2014 Vienna*

4 *Article 23*

RATIONALES

- c) There is a need for updated and comprehensive stalking legislation.

Women experiencing domestic violence are often controlled, followed, harassed and stalked by their abusers both during the relationship and after separation. Women's Aid has noted an increased use of electronic technologies to monitor, control and harass women both directly and indirectly. Direct forms of harassment include threatening communications by SMS; calls, emails or posts or tracking the woman through spyware.

Indirect forms include communication to third parties about the woman, for example posting intimate/private images and videos or spreading lies about her on the Internet and social media, or advertising the woman on escort sites without her consent.

Current legislation does not explicitly refer to these new technologies and the offence is difficult to prove in court.

3. IMPROVING PROTECTION FOR CHILDREN

- a) Domestic violence is a common context in which child abuse takes place. Often the more severe the abuse against the mother, the more severe the child abuse. In addition, exposure to domestic violence is a recognised form of emotional child abuse⁵.

When granting a Barring Order the court recognises the danger posed to the applicant by the respondent. However, there is often no assessment of the safety of children in the relationship and it is common that the abuser has unsupervised access.

Women's Aid believes that when granting a Barring Order, the Court should consider the safety and well-being of any children and take interim measures for their protection.

Experts need to be provided to the to the Court to assess the risk the perpetrator poses to the children.

- b) Women's Aid has long advocated the need for supervised access centres across the country.

Women often describe to us ongoing abuse during access visits. In 2015 women disclosed to us in 82 contacts that children were being abused during access and on 325 occasions mothers disclosed that they themselves had been directly abused during access visits.

Funding for the successful Barnardos/One Family Pilot Child Contact Centre was terminated in 2013, notwithstanding its evaluation finding that such service was essential.

4. HOUSING

The housing and homeless crisis has impacted greatly on women and children escaping domestic violence. Women's Aid welcomes the appointment of a Cabinet Minister for Housing and the proposed increase in rent supplement and Housing Assistance payment limits.

Women escaping domestic violence face unique and additional challenges in relation to eligibility for social housing, as some Local Authorities:

- a) do not consider "homeless" women who have left home because of domestic violence and are staying with friends/relatives so they are not eligible for priority housing. However staying with friends or family is not an appropriate long term solution.
- b) require the woman to have lived in the area for a specified time or to have local connections. This is a problem for women wishing to move to an area far away from the abuser for safety.
- c) do not consider a woman entitled to social housing if she jointly owns a property with her abuser, regardless of the fact that this property is not available for her as she would not be safe there.

The result is that many women are forced to stay with or return to the abuser, or having accessed refuges, end up staying there for months, due to lack of exit options. This in turn contributes to unavailability of places in refuges.

WARNING SIGNS OF ABUSE

In your constituency, you may meet women and children living with domestic violence. Any one of the following signs is serious. A woman does not need to experience several, or all of them for relationships to be abusive.

- *She is afraid of her partner.*
- *He has hit her or almost hit her and/or her children. She may have bruising or other visible injuries.*
- *He criticises her family and friends and/or makes it difficult for her to see them or talk to them on her own.*
- *She finds it hard to get time on her own. When she does spend time away from him, he demands to know where she was and who she was with.*
- *He controls access to basic essentials such as the car, the family finances, food and the phone/internet.*
- *He has forced her to have sex.*
- *He demands to know the passwords to her email account and social networking pages.*

BELIEVE. LISTEN. SUPPORT.

There are a few simple steps you can take to best support women in this position.

- *Believe the woman who is disclosing. Listen to her and let her tell her experience in her own words. Offer her non-judgemental and non-directive support.*
- *Tell her that no one deserves to be abused and that it is never her fault.*
- *Encourage her to report any assaults to An Garda Síochána.*
- *Remember that she is the best judge of her safety. Don't push her to take any step that she feels uncomfortable with.*
- *Encourage her to call the Women's Aid National Freephone Helpline 1800 341 900, 24 hours a day, seven days a week.*

More information at www.womensaid.ie

WOMEN'S AID IN 2015⁶



16,375
disclosures of
DOMESTIC VIOLENCE
against women

10,876 disclosures of
Emotional Abuse

3,281 disclosures of
Physical Abuse

1,602 disclosures of
Financial Abuse

616 disclosures of
Sexual Abuse

167,229
VISITS TO
www.WomensAid.ie

6 All figures from the Women's Aid Impact Report 2015 - free to download at www.womensaid.ie