



Presentation to the Joint Committee on Justice, Defence & Equality

Introduction

Women's Aid welcomes this opportunity to address the issue of domestic violence at today's meeting of the Joint Oireachtas Committee.

As you know, Women's Aid is a voluntary organisation providing support and information to women who are being physically, sexually, emotionally, and financially abused by their intimate partners. Women's Aid has been working on the issue of domestic violence for over 35 years.

Women's Aid work

- **Helpline**

Women's Aid runs the National Freephone Helpline (1800 341 900) which operates from 10am to 10pm, every day of the year (except Christmas day), and provides support and information to callers experiencing abuse from intimate partners.

- **One to one Support Service & Court Accompaniment**

We also provide face to face support visits and court accompaniment in the greater Dublin area. Court accompaniment is a specific service providing support to the particular needs of women seeking legal redress in the Courts regarding violence by a current or former husband or partner.

- **Training**

Women's Aid provides training on the issue of domestic violence to a range of voluntary and statutory agencies and service providers including various health professionals, social services staff, and staff of local community groups.

- **Policy and Communication Work**

The sum of the above contacts with women experiencing domestic violence and their supporters enable us to have a good picture of the issues that need addressing to improve systemic responses for women experiencing domestic violence. This information forms the basis of our policy and communication work. We provide relevant information and recommendations to government and other relevant agencies on the nature and prevalence of domestic violence, the barriers faced by women experiencing domestic violence and the gaps in existing legislation/systems.

For example the last time we presented at this committee in 2007 we focused on much needed amendments to the Domestic Violence Act to extend eligibility to parties that were not eligible for protection.

We are very pleased that many of the changes we recommended were enacted in the Civil Law Miscellaneous Provisions Act last August and we have already seen those changes making huge positive impacts on the ground. While there is more work to be done, we are aware that the Law Reform Commission is going to carry out a review of domestic violence legislation and we hope to have the opportunity to update you on this issue in due time.



Domestic violence in Ireland

Domestic violence is still very prevalent in Ireland. Research shows that 18% of women who have ever been in an intimate relationship have been abused by a current or former partner.

It is important to note that domestic violence affects women across the board, regardless of age, marital status, ethnicity, religion or socio-economic background.

Domestic violence can take many forms, including physical, emotional, sexual and financial abuse and most often a combination of these.

These are just some examples of abusive tactics, experienced both by Irish and migrant women, taken from our latest Annual Statistics report:

- Women being beaten, slapped and kicked to the point of bleeding and injuries
- Women being choked, strangled and stabbed
- Women being threatened with weapons, threats by the abuser to kill the woman, the children or other family members, threats that children will be abducted and taken overseas
- Women never being left on their own, not being allowed to go anywhere without the abuser
- Women being raped by partners or ex-partners
- Women being coerced into prostitution
- Women not been given money to buy essentials, including food and medication
- Women forced to give all their wages or social welfare benefits to the abuser.

Migrant women experiencing domestic violence

Recent research has found that non indigenous minority ethnic women are over- represented in specialist domestic violence services.

“Thirteen per cent of service users of Gender Based Violence organisations were non-indigenous minority ethnic women, the vast majority of whom were on a spouse dependent visa or a migrant worker visa, asylum seekers or refugees.

Yet these categories correspond to only an estimated 5 per cent of the total population of women aged 15 years and older in Ireland. ”¹

This over-representation points to the additional barriers that these women face when trying to leave an abusive relationship and access long term safety.

Some of these barriers may be:

- Language difficulties
- Discrimination and /or racism
- Uncertain immigration status
- Limited or no access to independent income
- Unfamiliar surroundings and social isolation
- Lack of information on their rights and of support services available in Ireland, which may be very different from those available in their country of origin.

¹ The Women’s Health Council (2009) Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland



I will touch on a couple of those barriers in more detail:

Isolation and Language

Migrant women may be very isolated, may have no family or friends here and the abusive partners may well be the main or only channel of information about the new country. Therefore it is extremely important for migrant women experiencing domestic violence to be able to contact the National Helpline and have accurate information and support.

Over the years only a very small number of women calling our Helpline identified themselves as migrant or refugee or asylum seekers (in 2010 just over 200 callers over 10,055 calls answered.) However, we found that nearly a third (29%) of women accessing our one to one services were migrant women, often with very complex needs.

We have been long concerned that our Helpline may not have been accessible to extremely vulnerable and isolated women.

To address this, last month Women's Aid started the Helpline Language Line Interpretation service, which allows the National Helpline to communicate with women experiencing domestic violence in over 170 languages through a 3 way conversation via a professional interpreter.

Two other very important barriers preventing some migrant women from leaving abusive relationships are: lack of independent residency status and the Habitual Residency Condition.

Being dependent on the abuser for leave to remain in Ireland means that women are faced with the "choice" of leaving the abuser and risking having to leave the country, which is not always a viable option, for economic, social, safety or cultural reasons, or staying in the relationship and putting up with the violence. The Immigrant Council of Ireland has focused on this issue already, so I will focus on the Habitual Residency Condition.

The Habitual Residency Condition

The Habitual Residence Condition (HRC) is a qualifying condition for social welfare payments which was introduced on 1 May 2004 in response to EU enlargement.

Women who leave their partner because of violence, and who do not satisfy the Habitual Residency Condition, may find themselves and their children destitute.

Some of these women may have no right to work due to their visa conditions, or even if technically allowed to work may not be in employment.

Even refuges may not be able to accommodate them or can only accommodate them for a very short time due to increasing financial constraints on their budgets, as the refuges are unable to financially support women and children for more than a few days.

Moreover, medium or longer term accommodation is not available for them, so they cannot move on.

Clearly, this impacts on women and children's safety as women feel they cannot leave or, having left, must return to the abuser for lack of financial support and fear of destitution.

While this impacts mostly on migrant women, recently returned Irish nationals may also be unable to satisfy the Habitual Residency Condition and therefore may be unable to access welfare assistance.

This means that some women escaping domestic violence have no right to work, no right to welfare assistance and possibly no support networks available in Ireland.



Case study: Maya*

When Maya first came to Women's Aid, she had been married to her husband for over ten years and living in Ireland for 7 years. She told our support worker of on-going physical and emotional abuse she has suffered from her husband which often took place in front of the children. Maya said that during the last incident of abuse he tried to beat their daughter and she prevented this by standing in front of him. Maya was badly beaten.

Maya and her children left the family home and went to stay in a women's refuge. Unfortunately Maya had to leave as she was refused housing allowance or any social welfare payment. At this point she considered moving back home as she had no financial support. However, with the support of the refuge Maya was put into homeless accommodation with her children. Maya was living in one room with her children and receiving no benefit except Child Benefit. Maya said she felt safe and no money could buy this.

Maya applied to the Family Law Court for Safety and Maintenance Orders. She was refused a Safety Order and granted a very small amount of Maintenance weekly, which her husband stopped paying after a few weeks.

Maya's Women's Aid support worker wrote a letter of appeal to Social Welfare and Community Welfare Officers to ask for a review of their decision.

Maya's situation arose because her husband forced her to return home for a year. She continues living solely on Child Benefit to feed, cloth and bus her children to continue school.

Maya said she can survive any situation in the security that she and her children are safe, and she is looking forward to an abuse free future.

*This case study is based on real accounts as told to the Women's Aid National Freephone Helpline and Support Services. Specific details and circumstances have been changed in the interests of protecting identity and to preserve the confidential nature of Women's Aid Services.

Recommendations

1. That a provision is introduced in the Immigration, Residence and Protection Bill 2010 to provide for the granting of autonomous residence permits in exceptional circumstances such as domestic violence to all dependant spouses/partners, in line with that available under European Law.
2. The residency status women receive should enable them to access the labour market or the social welfare system, as well as education and training, in order to allow them to support themselves and their children.
3. That welfare support should be granted to abused migrant women regardless of whether they satisfy the Habitual Residency Condition.

Thanks

Thank you Chairman and members of the Committee for your time and attention.