



# THE STATE WE ARE IN 2016

TOWARDS A SAFE IRELAND FOR WOMEN AND CHILDREN



• Civil Liberty

• Equal rights and equal opportunities to all citizen's

• Cherish all children equally

• Pursue the happiness and prosperity of the whole nation

# THE STATE WE ARE IN 2016

## TOWARDS A SAFE IRELAND FOR WOMEN AND CHILDREN

The State We Are In is SAFE Ireland's second Safety Audit. It is our second analysis of how safe Ireland actually is for women and children living with violence in their homes and lives. Our first audit was published in 2014.

SAFE Ireland has made a strategic commitment to publish a Safety Audit every two years in order to measure our progress, as a country, in responding to women and children in areas that are vital to their safety and wellbeing.



All of society loses when you have gender inequality. All of society is flawed if gender violence is allowed to occur, is tolerated, and if an intolerable silence prevails around this grave issue. Then too, no invocation of cultural differences or tradition can ever be accepted as an excuse for gender violence.



President of Ireland, Michael D. Higgins speaking at an event with SAFE Ireland to highlight men's role in ending gender based violence. March 11th, 2016.



## About SAFE Ireland

SAFE Ireland is the National Social Change Agency working on Domestic Violence in Ireland. We are working innovatively and strategically to transform culture and the response to gender based violence (GBV) in Ireland. Our particular GBV focus is on male violence against women and children in intimate/close relationships.

We have evolved from a network of service providers and continue to work in close collaboration with 39 frontline domestic violence services across communities in Ireland. Over the past 10 years we have invested in leadership, governance, research and organisational development in order to create a culture in the organisation, which allows space for dialogue, creativity and innovation.

We are directly linked to women and children who experience Domestic Violence. We work to bring public voice and understanding to the causes and impact of Domestic Violence.

We respond to thousands of women and children affected by Domestic Violence in Ireland every year.

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Check out our campaigns...

[www.manup.ie](http://www.manup.ie)

**MAN UP** is a SAFE Ireland campaign to promote the positive and powerful role that men can play in ending violence.



[faceup.safeireland.ie](http://faceup.safeireland.ie)

We support **#FaceUpToDomesticViolence**, a campaign initiated by global star Hozier, in association with SAFE Ireland in Ireland.





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## Foreword by Sharon O'Halloran CEO, SAFE Ireland

The State We Are In is SAFE Ireland's second Safety Audit – our second analysis of how safe Ireland actually is for women and children living with violence in their homes and lives. Our first audit was published in 2014.

And while there have been many welcome developments since then, and most notably the progress being made by An Garda Síochána, Tusla and the Courts Service, one thing remains stubbornly the same.

Two years on - with countless women and children traumatised and brutally injured, some fatally, or made homeless, or seeking counselling, or seeking endless safety and barring orders or making yet another trip to court – we are still not taking this issue seriously. We are still not recognising domestic violence as the most prevalent offence in the country.

Our most recent research into victims' supports in domestic violence related criminal proceedings and the Garda Inspectorate report<sup>1</sup> tells us that domestic violence is a high volume crime in Ireland.<sup>2</sup>

Yet it remains just a domestic. Or worse still, it was often regarded as just a nuisance. This is what women have told us within this most recent research, and within our previous research into women's interactions with the entire legal system.<sup>3</sup>

Domestic Violence often manifests as a series of serious offences. It affects women, children, and men. It affects communities. It affects business. It affects our economy. It is a reflection of where we are as a nation.

That is why we are presenting this Audit - taking this snapshot; to explore, with evidence based recommendations, how we can be a better country for women and children, in this year of, not just reflection, but of aspiration.

### Face Up to Domestic Violence

We need to have the courage to look this problem in the face, say that it is real and then act to bring visibility and voice like never before. As our MAN UP supporter Ryan Tubridy said at a recent event in Áras an Uachtaráin, 'we need to pull back the curtains and we need to hear the voices behind those curtains'.

1 Garda Inspectorate. (2014).

2 INASC Improving Needs Assessment and Victims Support in Domestic Violence Related Criminal Proceedings. Report co-financed by the Criminal Justice Programme of the European Commission. The project involved five countries, Ireland, Austria, Portugal, Germany and the Netherlands from February 2014 to February 2016.

3 SAFE Ireland. (2015a).



To allow these voices to be heard, we must address our culture and attitudes because they affect the ability and confidence of most women to report violence and seek help. It is our culture and attitudes that allows domestic violence to continue as the most underreported, largely undocumented and certainly underprosecuted crime in the country.

And we have to understand that the root of all violence is what happens in the home and that home is not an island. It is clearly situated in society and clearly affected by culture. We know that childhood trauma dramatically affects health across a lifetime; exposure to early adversity affects the developing brains and bodies of children. Within homes across Ireland offenders are creating lifetimes of trauma, lifetimes of violence and a society deeply rooted in cycles of violence.

But we can strive to change this. We can strive to make Ireland the safest country in the world for women and children.

### A Pivotal Moment

As negotiations on the shape of the next Dáil continue – including negotiations and plans for both the formation of Government and a responsible opposition – we are asking all political parties to face up to domestic violence, to take this stark snapshot of the state’s response to women and children seriously, and to commit to making domestic violence a defining issue in a government programme of action for a better, more caring Ireland.

“As our MAN UP supporter Ryan Tubridy said at a recent event in Áras an Uachtaráin, we need to pull back the curtains and we need to hear the voices behind those curtains.”

Over the past five years particularly, there have been welcome developments in policy, strategy, legislation, awareness and recognition of the complexity of domestic violence.

This work must continue.

If every politician, regardless of their party or alliance, commits to make domestic violence a priority over the coming years, they will be sending a very powerful message to thousands of women and children, silent behind those curtains. They will be sending them a message that they have been waiting to hear for years.

They will be telling them, that finally, their government, their politicians, their country and their fellow citizens are prepared to face up to domestic violence.

**Sharon O’Halloran**  
CEO of SAFE Ireland



# 2

## The State We Are In – An Overview

2016 is a special year of historical significance and reflection.

It is a year in which we can take stock of the state we are in, the way we treat people and particularly the way we treat those who are most vulnerable and most in need of our support and help.

Women and children living with violence and abuse in their homes are among the most vulnerable, most traumatised and most stressed people in our country.

How we treat them, how we respond to them and how we care for them is a mark of our communal humanity, of how we want to be measured as a nation – 100 years on from the aspirations of the Proclamation.

Here is a snapshot of the state we are in.

- **1 in every 3 women** experience severe Psychological violence and **1 in every 4** experience physical and sexual violence from a male partner<sup>4</sup>.
- **Over 12,500 people annually** - 9,448 women with 3,068 children - received support and/or accommodation from a domestic violence service.<sup>5</sup>



- A massive **4,831 requests for refuge** could not be met because the refuge was full - that's **14 unmet requests for refuge every day**.<sup>6</sup>
- We are seeing the tip of the iceberg. **79% of women never report a serious physical or sexual assault by a male partner** to anyone. Only between 8% and 12% of women report the crime they have experienced to a domestic violence service.<sup>7</sup>
- **There is no such thing as a typical victim of domestic violence.** They range in age, occupation and education levels. They are as likely to be married as not.<sup>8</sup>
- **Domestic violence is rarely a once-off event**, instead tending to be a pattern of ongoing events.<sup>9</sup>
- **Two thirds of the participants in SAFE Ireland's research** reported that they experienced physical abuse on at least a weekly basis. For one third of participants, physical and emotional or psychological abuse was a daily feature of their relationship.<sup>10</sup>



4 European Union Agency for Fundamental Rights (FRA), (2014).  
 5 SAFE Ireland (2015b).

6 Ibid.  
 7 European Union Agency for Fundamental Rights (FRA), (2014).  
 8 SAFE Ireland (2016a) *INASC Improving Needs Assessment and Victims Support in Domestic Violence Related Criminal Proceedings*. This research clearly states that it provides empirical based hypotheses indicating several characteristics of domestic violence in Ireland and the response of the criminal justice system. Because of limitations it does not purport to provide definitive conclusions.  
 9 Ibid.  
 10 Ibid.



- Domestic violence does not necessarily begin at a low level and then gradually escalate; participants in SAFE Ireland’s research reported that **at least one of the indicators of a serious threat to the victim’s life** (attempted strangulation, physical abuse while pregnant, threats to kill victim or children) were present in the very first violent incident.<sup>11</sup>
- There have been **welcome developments** in policing, policy, legislation, awareness and recognition of the complexity of domestic violence since our last Safety Audit in 2014.
- However, **two major issues** are having a devastating impact on women looking for safety. Two issues are undermining the most fundamental rights that women and children fleeing violence should expect to have – that is, the **right to a safe home** and **the right to reliable and equal treatment by our justice system**.
- **Domestic violence is simply not on the homeless agenda.** It is not being dealt with or addressed within the current housing crisis. According to local authority practice, women leaving violent homes are not being considered homeless; they are seen as been out of home, as they have a home, albeit an unsafe, violent one.<sup>12</sup> Consequently they are being further neglected and rendered invisible in the current housing responses.

“How we treat them, how we respond to them and how we care for them is a mark of our communal humanity, of how we want to be measured as a nation – 100 years on from the aspirations of the Proclamation.”

- Spiraling rents and the complete lack of social housing stock and rental properties mean that **women cannot find places to live with their children**.<sup>13</sup>
- As a consequence, **women are staying in emergency refuge for months.** Service managers are referring to refuges as becoming more like “homeless hostels”.<sup>14</sup>
- The knock-on impact means that other women looking for emergency accommodation to escape violence can’t actually access refuge. **There simply isn’t room.** Ireland’s provision of emergency accommodation remains less than one-third of that recommended by the Council of Europe.<sup>15</sup>

11 Ibid.

12 SAFE Ireland’s Consultation on Homelessness and Domestic Violence, 2016.

13 Ibid.

14 Ibid.

15 Ibid.



- **Significant numbers of women are choosing to return to their abusive homes.**

Many others are making the decision to stay in abusive relationships because they predict that they will be faced with accommodation problems.<sup>16</sup>

- Our legal system - at every level - is **continuing to fail women and children** who are living with violence and abuse in their homes.<sup>17</sup>

- **Allegations of domestic violence are not always being fully investigated.** Breaches of safety and barring orders are going unpunished, women are being silenced in court, and women are being told by their own legal representatives not to speak in court.<sup>18</sup>

- **The law is being applied differently in different areas and by different judges.** There appears to be no consistency in the way the legal system works and discretion and stereotyping remain integral to the way in which a woman can be viewed and treated by that system.<sup>19</sup>



While the picture of domestic violence remains grim, there have been welcome developments over the past five years – many of them over the past two years particularly since our last Safety Audit in 2014.

- Garda reaction to domestic violence in the most recent past has been **inconsistent** with their own stated policy on domestic violence with no explicit risk assessment or risk management practice systematically in place. The last 12 months have seen significant commitments and policy changes to reform policing of domestic violence. SAFE Ireland is now more hopeful that these reforms will realise major changes in outcomes for women and children in the next 2 years.<sup>20</sup>

These issues are explored in more detail in section 6 of this Safety Audit.

16 Ibid.

17 SAFE Ireland (2015a).

18 Ibid.

19 Ibid.

20 SAFE Ireland (2016a).



# 3

## Developments Since 2014

While the picture of domestic violence remains grim, there have been welcome developments over the past five years – many of them over the past two years particularly since our last Safety Audit in 2014.

These have helped to shine a light on the seriousness and catastrophic consequences of domestic violence.

- **Tusla** is now well established as the statutory agency with responsibility to protect and support victims of domestic violence.
- There has been more **political leadership** in the last two years than in previous governments. In 2014, An Taoiseach Enda Kenny, met with SAFE Ireland – most notably when Lynn Rosenthal, the then White House Adviser on Violence Against Women, was our guest. He, along with the Minister for Justice & Equality Frances Fitzgerald TD, made the first Government statement on Violence Against Women on November 25, 2014. He has also committed to establishing a Cabinet Sub-Committee on Violence Against Women.
- The first **Oireachtas Committee Report on hearings on Domestic and Sexual Violence** was published in October 2014. It was the first Government report to attempt to grasp the full complexity of the issue. The Committee on Justice, Defence and Equality recommended that the Government should legislate for the necessary legal and constitutional changes to make domestic violence, in itself, a crime. Furthermore, it recommended a wider definition of “domestic violence” and “domestic abuse”.
- Heads of the **new Domestic Violence Bill (General Scheme of the Consolidated Bill on Domestic Violence)** were presented to the Dáil in July 2015. The Minister for Justice & Equality Frances Fitzgerald TD, has recognised and named domestic violence as a priority policy area. Politicians from various political parties gave a commitment at a SAFE Ireland Election Rally in February 2016, that this legislation, with necessary progressive amendments, would be enacted before the end of 2016.
- The Garda Commissioner has recently announced significant restructuring in An Garda Síochána to address the deficiencies highlighted in the seminal **Garda Inspectorate Report**, which was published in October 2014. These changes have already seen the welcome opening of Garda Victim Services offices across the country. These reform plans we hope will lead to stronger investigation and intelligence management, time appropriate risk management and more effective communications with victims of domestic violence including onward referral to domestic violence support services as appropriate.



- The recent commencement of the Child and Family Relationships Act 2015 is a welcome development, however it is too early to assess how beneficial it will be for women and children.
- Ireland has signed the Istanbul convention<sup>21</sup> and the government has developed an action plan to enable the ratification of this important Council of Europe Convention by 2018. This however will need significant investment annually in order to achieve the minimum standards as set out in the convention.
- The **EU Victims Directive** established minimum standards on the rights, support and protection of victims of crime in order to ensure that persons who have fallen victim of crime are recognised, treated with respect and receive proper protection, support and access to justice. All EU countries were expected to have implemented the provisions of the directive by November 16th 2015. Draft legislation in Ireland is currently being progressed to meet some of Ireland obligations under this directive.
- In 2015, President Michael D. Higgins was named as a Champion World Leader of the **UN Women HeforShe Campaign**, which celebrates the positive and powerful role of men in promoting women's rights and equality. He, and his wife Sabina, have supported SAFE Ireland's MAN UP Campaign. They recognised the importance of both campaigns at a special event at the Áras in March 2016.
- The **MAN UP campaign** has achieved significant reach across Ireland with 39% of respondents in a Red C Poll saying that they were aware of the campaign. The campaign has been focused on engaging men and women as bystanders to help prevent domestic violence.
- The second **National Strategy on Domestic, Sexual, and Gender Based Violence, 2016-2021**, was published in January 2016 and is being coordinated by the Cosc office. While some of the actions by Tusla, the Gardaí and the Courts Service should result in important improvements for victims, there still remains significant gaps in areas of education, housing, health and prevention. It is a living document so it can be improved and strengthened.
- The domestic violence sector has held strong, showing cohesion in spite of the brutal impacts of the recession since 2008. SAFE Ireland has been recognised as a national social change agency, collaborating and working closely with 39 frontline domestic services across the country. SAFE Ireland's **emerging body of research since 2014** has given new insights into the systemic failings of the legal and legislative system, the nature and characteristics of violence, and the housing system and its overlooked intersection with domestic violence. Critically, SAFE Ireland has set out clear recommendations and solutions to begin to address the current serious deficiencies.
- SAFE Ireland has launched a new 5 year strategy to transform culture and the response to domestic violence in Ireland. The Community Foundation for Ireland has awarded an impact grant to SAFE Ireland to support the realization of the new strategy and they are also working with other philanthropists to secure much needed additional resources and support.

21 Council of Europe Convention of Violence Against Women and Domestic Violence.



# 4

## **Leadership and Commitment** **– Making Domestic Violence** **a Priority in Government**

Crucial Actions to Transform our Response to Women and Children.

### **On Resources**

Allocate an additional €30 million annually (from 2017) to address immediate gaps in our struggling services, from the Gardaí to specialist domestic violence services to the provision of safe housing. This will allow for vital education and prevention work, research, housing and accommodation provision, and training to ensure that when women look for safety it can be provided.

Increase the emergency accommodation capacity of domestic violence services by 10% or by 14 family units every year for the next five years.

Work with SAFE Ireland to identify solutions to the current housing crisis particularly affecting domestic violence victims.

### **On Leadership**

Appoint a Minister and Department to spearhead a determined, whole of Government response to the complexity of domestic violence, from health to education to justice so that it is not passed over from department to department, resulting in inaction.

Establish the Cabinet Sub-Committee on Domestic Violence, as already promised.

## On Legislation

Enact new legislation on domestic violence by the end of 2016, with a commitment to look at the definition of domestic violence to ensure that it is defined as a criminal offence. Heads of the Bill were introduced in 2015 and have yet to be progressed further.

Ratify the Council of Europe Convention on Preventing and Combating Violence Against Women (Istanbul Convention) by the end of 2017.

“Three crucial actions would make an immediate difference to women’s lives today.”

Enact victims support legislation to comply fully with the EU Victims’ Directive.

Amend, develop and enact housing legislation as a matter of urgency to address the many barriers to safe accommodation currently experienced by victims of domestic and sexual violence.

## Short-term Actions to Change Women’s Lives Today

1 Waive the free legal aid charge for victims of domestic violence.

2 Grant rent allowance to women when there is the presence of domestic violence.

3 End the Local Authority “Centre of Interest” requirement for women forced to leave locations because of domestic violence.



# 5

## Face Up to Domestic Violence – Key Statistics and Research Insights

Domestic violence is an enormous problem in Ireland.

There is no other way to put it.

In 2014, our most recent annual statistics<sup>22</sup> tell us that:

**Over 12,500 people every year** - 9,448 women with 3,068 children - received support and/or accommodation from a domestic violence service.

**48,888 helpline** support and information calls were answered by domestic violence services around the country.

**1,658 individual women and 2,349 individual children** stayed in refuge.

**A massive 4,831 requests for refuge could not be met** because the refuge was full – **that's 14 unmet requests for refuge every day.**

Violence Against Women: An EU wide study (2014) which was carried out by the EU Agency for Fundamental Rights (FRA)<sup>23</sup> shows that:

- **1 in 3 Irish women reported some type of psychological violence** by a partner and **1 in 4 reported some form of physical and sexual violence** by a partner or non partner since the age of 15.
- However, **79% of women never reported a serious physical or sexual assault** by a partner or non partner to anyone. This means that we are only hearing about and meeting one in five of the women who experience violence in their own homes.
- These figures are huge but we know that they are the tip of the iceberg. According to the FRA, only **between 8% and 12% of women report the crime** they have experienced to a domestic violence service.
- **43% of women felt ashamed** and **39% were embarrassed** after the most serious incident of physical or sexual violence by a partner since they were 15. The EU average was 28% (felt ashamed) and 22% (felt embarrassed).

22 SAFE Ireland (2015b).

23 European Union Agency for Fundamental Rights (FRA) (2014).

# 6

## Two Major Barriers to Women's Safety

### Women in the Crossfire of Major System Failures

For this Safety Audit, SAFE Ireland is focusing on two major barriers to safety and solutions for women and children living with violence in Ireland.

In our previous safety audit, we identified five barriers including: Increasing demand on services; decreasing resources; accommodation and housing; legal logjams; and supports for children.

These barriers, and many more, are still major problems. Two years on from our first audit, we continue to see a year on year increase in demand on service provision. Our member services are still vastly under-resourced. We continue to see a reduction in vital supports for children.

However, two issues cut across everything. Two issues are having a devastating knock-on effect on all other barriers and difficulties for women and children. Two issues are undermining the most fundamental rights that women and children fleeing violence should expect to have – that is, **the right to a safe home and the right to reliable and equal treatment by our justice system.**

### Focus on Housing and Justice

Since 2014, SAFE Ireland has concentrated specifically on these two key areas – Housing and Justice - as areas in which women and children are being failed dismally, failed daily and, critically, failed systematically.

In March 2015, we presented *The Lawlessness of the Home* (2015), the most comprehensive research carried out in Ireland into women's interaction with all levels of our justice system. We have also just recently (March 2016) completed work as partners on a European Commission funded project called INASC – Improving Needs Assessment and Victim's Support in Domestic Violence Related Criminal Proceedings. Its findings tell us that from the sample data, relatively few domestic violence cases ever make it to criminal proceedings.

Since the start of 2016, we have carried out new qualitative research with 35 of our 39 services' on the devastating connection between homelessness and domestic violence.

For this section of this document, we want to rely on our unique evidence<sup>24</sup> – some of it never presented before – across these two areas to give an indication of the state we are in, and the state we are leaving women and children in.

24 SAFE Ireland(2016b).



## 1. Invisible in the Housing Crisis

While accommodation and housing have been ongoing problems for women and children, our services' are reporting in our latest qualitative research that they have never seen things so bad.

One of the country's oldest established refuges, which has been in existence for over 30 years, reported that not one of the women they have worked with over the past three years has been successful in moving into permanent safe accommodation. This refuge and many others have reported that for the first time, they are hearing from women who have had to resort to sleeping in their cars because they simply have nowhere else to go.

Women and children, already traumatised from violence, are being caught in the crossfire of the national housing crisis.

Let's start with the basic problem. Domestic violence is simply not on the homeless agenda. According to local authority responses, women leaving violent homes are not homeless; they are out of home, as they have a home, albeit an unsafe, violent one.

The second major barrier is that there is currently no social housing. There is very limited access to properties with housing associations. And there is minimal private rented accommodation available that is affordable for women reliant on rent allowance or, as it is now called the housing assistant payment (HAP) scheme.

The changeover from Rent Allowance to HAP has coincided with other housing barriers. An increase in employment has meant that more people can afford to pay spiraling rents. The requirement for a 20% mortgage deposit means that more people

It told us that women were not taken seriously – that they were often regarded as nuisances and that their allegations of domestic violence were not fully investigated.

are staying in the rental market. This in turn means that landlords have a broader choice of tenants to pick from and are generally choosing not to rent to women reliant on HAP.

On top of this, there is little or no flexibility with regard to accessing emergency payments from state agencies. And many women who jointly own homes or who are living in rented family accommodation before they flee have to face mortgage arrears or rent arrears on the house they can no longer safely live in.

In addition, women, many of whom are advised by Gardaí and the courts to relocate due to the extent of violence or threats of violence from her abusive ex-partner, are facing the restrictive Local Authority "Centre of Interest" requirement. This essentially means that a woman cannot access housing lists, and housing support, if she lacks evidence of having a local connection with an area. If she moves, she also loses her place on the housing list in the area she is leaving.

Left with little or no choice, many women are staying in emergency refuge for months, or even years. Emergency accommodation is meant to be just that – short term and emergency. However, a number of services are reporting that women and children are now living in refuge for up to 18 months – a completely unsustainable situation.

“One of the country’s oldest established refuges, which has been in existence for over 30 years, reported that not one of the women they have worked with over the past three years has been successful in moving into permanent safe accommodation.”

Six of the DV services that SAFE Ireland contacted for our qualitative research referred to refuges as becoming more like “homeless hostels”.

The knock-on impact means that other women looking for emergency accommodation to escape violence can’t actually access refuge. There simply isn’t room. This is reflected in the annual statistics, which recorded a massive 4,831 unmet requests for emergency accommodation.

While SAFE Ireland members do everything they can to ensure that women and children are accommodated safely, often in B&Bs or hotels, the reality is that this type of accommodation as a long-term option is not available for most women outside Dublin, and is no substitute for the safety that a DV refuge can provide.

More and more, services are reporting that they are more likely to suggest that women stay with family and friends and access outreach support from the DV service. But services are also aware that this is highly unsuitable for women who actually need to access safe and secure refuge.

Left with no option, more women are being forced to return home or are opting from the beginning to stay in abusive relationships.

## 2. The Inadequate Legal Response to Domestic Violence

Our research *The Lawlessness of the Home* (2015) told us that our legal system – at every level – is failing women and children who are living with violence and abuse in their homes.

It showed that the different layers of the justice system from the Gardaí to the judges failed to give the majority of women the time and attention necessary to properly analyse her specific case.

It told us that women were not taken seriously – that they were often regarded as nuisances and that their allegations of domestic violence were not fully investigated. The Garda Inspectorate Report in 2014 told us that some Gardaí referred to domestic violence calls as problematic, time consuming and a waste of resources.<sup>25</sup>

Our research<sup>26</sup> provided evidence that breaches of safety and barring orders go unpunished, that women were silenced against their wishes in court.

Most worryingly, it told us that the law is applied differently. It told us that there is no transparency in the way the system works and that discretion and stereotyping is integral to the way in which a woman can be viewed and treated.

25 Garda Inspectorate, (2014), part 6 p. 42.

26 SAFE Ireland, (2015a).



In other words, the very system that is meant to support women is fragmented, under-resourced, poorly trained and grossly unaware of the complexity of domestic violence.

The recently completed INASC report (March 2016) – while it was a study that is confined to the needs assessment and victims’ support in domestic violence related criminal proceedings – mirrors many of the findings of the Lawlessness of the Home. It also gives us more insight into the frequency, nature and extent of violence experienced by women.

It is important to note that in both these studies that the experiences of women relate to prior engagement with state services between 2010 and 2014. However, in the more recent homeless consultation the issues in relation to failures of the legal system responses were still relevant in February 2016.

Perhaps the starkest finding of this INASC report was that the majority of domestic violence incidents did not actually form the basis of a criminal prosecution. Instead, the civil courts most frequently deal with incidents in the context of the Domestic Violence Act 1996. Highly experienced legal professionals interviewed had very little experience of intimate partner violence cases in the criminal courts.

The key issue here is the way in which domestic violence is defined. Domestic violence is not a crime under Irish law. Rather, the phrase “domestic

violence” is applied to a particular context in which offences are committed. While most forms of domestic violence can be prosecuted in the criminal courts - under sexual crime, a variety of non-fatal offences or for homicide, for example – other forms of domestic violence, frequently experienced by women, such as verbal abuse, coercion or economic control, do not constitute offences under Irish law.

The INASC Report also underlines that there is no such thing as a typical victim of domestic violence. They range in age, occupation and education levels. They are as likely to be married as not.

It tells us that for the 40 women interviewed, domestic violence was rarely a once-off event, instead tending to be a pattern of ongoing events, as suggested within the definition of domestic violence outlined by Watson and Parsons in their 2005 report for the National Crime Council.<sup>27</sup> It also tells us that for the women interviewed domestic violence does not necessarily begin at a low level and then gradually escalate; half of the participants reported that at least one of the indicators of a serious threat to the victim’s life (attempted strangulation, physical abuse while pregnant, threats to kill victim or children) were present in the very first violent incident.



27 Watson, D. & Parsons, S. (2005) p. 38.

The research also shows that there is no guarantee that the violence will cease if the victim leaves the family home. Furthermore, in many cases, the act of leaving can be a trigger for an escalation in the violence.

These findings suggest the importance of an early complaint to the Gardaí, and for the Gardaí to take that complaint seriously.

However, mirroring the findings of the Lawlessness of the Home, the INASC report suggests that the Garda reaction was inconsistent. While many participants offered high levels of praise for individual officers, many others reported that officers seemed to trivialize the issue of domestic violence.

Furthermore, it would appear that the Gardaí had often failed to implement their own stated policy on domestic violence. In the research sample, Gardaí had attended the scene in only half the cases reported between 2010 and 2013 and the abuser was arrested in only one-fifth of cases. In addition, most of the legal professionals interviewed pointed to failures by the Gardaí to properly collect the evidence necessary. In a sample of 35 cases within the study, the Gardaí collected evidence such as fingerprints and DNA in five cases, but took photographs in only two cases, for example.

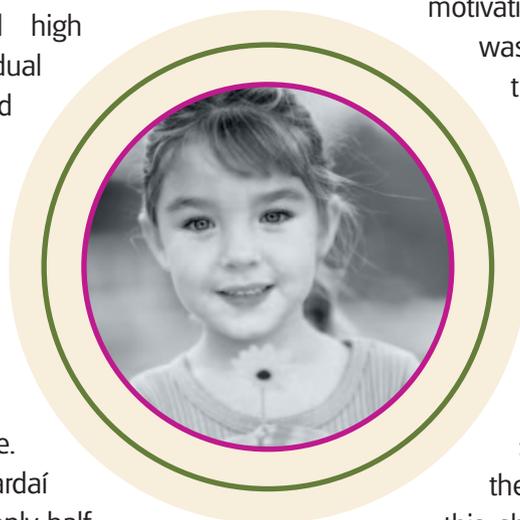
Perhaps of greatest concern, there was very little evidence of any formal needs or risk assessment being conducted, despite this being an implicit

part of the Garda Domestic Violence policy. Much of domestic violence was dealt with on a case-by-case basis, with no enquiry into prior history of violence. All professionals identified levels of intimidation in IPV cases as high, yet participants could recall risk assessments being carried out in just two incidences.

Finally, the research suggested a gap between what women may want from the legal system and what the criminal system is set up to do particularly.

Women very often indicated that their primary motivation in approaching the Gardaí was to stop the violence rather than to punish the abuser. The primary focus of the criminal justice system, on the other hand, is the investigation and punishment of those who commit criminal offences. Thus victims who contact the Gardaí may not intend to make the formal statement required to trigger the criminal process, however this should not deter a Garda from collecting evidence and providing the appropriate supports and information to the victim.

However as previously noted, it is important to mention that the recent restructuring in An Garda Síochána and subsequent announcements in relation to policy and practice changes, as well as the leadership of the Minister for Justice and Equality lends to new opportunities for change and hope for more effective and appropriate responses and supports for women and children who are seeking protection and support from Gardaí and other justice professionals.



### Emma

#### The Most Violent Incident is Often the First.



He was doing something to the door when I turned around. The dog had his tail between his legs and looked really, really scared. I just didn't like what I saw and I asked him to leave the dog alone and he punched me straight in the face. Just like that and then it started. He just carried on. We were in a little utility room of the kitchen with the door open and the kids were there and they saw everything. He just let rip. He did everything that I imagine he'd always wanted to do for the last six months. He just let me have it. I'd suspected fractured eye socket. I had whiplash, bruising. I had to take extra-strength painkillers for really bad whiplash. He tried to get me on the floor, he threatened me, he threw me all over the place, he threw me from wall to wall and all the while threatened to kill me, and when the kids intervened, he screamed and they were absolutely petrified, I could see it in their faces. I managed to get outside; I managed to tell my daughter to ring the Guards. Well no she didn't because he'd smashed the phone against the wall. I managed to get outside, because we have an acre and three-quarters outside and he chased me around the garden for forty minutes. Threatened to kill me. He threw a breezeblock at me, trampolines, clothes props, he threw everything at me. And the more he couldn't catch me the angrier he got. .... I went to the gate and he came chasing me over to the gate but there was someone else there then. He had a big long pole or something and he was threatening the neighbour and the neighbour said, 'go over to my house' and I said no. He said the kids need you. I don't know for what reason I didn't want to go – I just felt like I could calm him down. ... He said, 'no ... just go', and I went and I could hear him shouting and screaming. He smashed my entire house up. Everything. He damaged and smashed everything. He left me not even ... a couple of cups and a plate. He smashed every single room and my children's rooms as well. You couldn't even walk on the floor.



## Carmel

### Put out of her home and invisible in the homeless crisis.



I have four children, two adults and two teenagers. My husband has overall access to the teenagers. I have them 3 to 4 days a week and every second weekend. I think he manipulates the children. He has bought their loyalty; he lets them stay off school, buys them unsuitable stuff, and pays for parties. I had a safety order and I went to court for a protection order. He then went for a protection order explaining that as he had the children most of the time, he would be better off back in the family home. He claimed that I had serious mental health problem – without any evidence or history. His solicitor built a case based around this allegation – the allegation of a man who is an abuser – and the judge ordered me to leave my home. I was devastated. I broke down in court, but the judge just said, “No drama here please the theatre is over that way”. I am jointly named on the mortgage so cannot now get on the housing list. The only choice I have now is to share a house with strangers which is making it even more difficult to maintain a relationship with my kids.



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