

## SAFE Ireland

### Submission to COSC

Review and Proposals for a New Strategy On Domestic,  
Sexual and Gender-based Violence

# **Transforming The Response to Violence Against Women**

Submitted on:

May 14, 2014

## Introduction

SAFE Ireland welcomes the invitation from COSC to provide input on the progress of the current Strategy and to put forward proposals for a new Strategy on domestic, sexual and gender-based violence.

SAFE Ireland believes that Ireland can be a world leader in addressing the issue of violence against women. We have a small country with a relatively small population. We can put in place the effective and consistent services that women need to find safety fast. In Ireland, networking is easier, again because of our small size and population. This should lend itself to better co-operation, better collaboration and more seamless planning and co-ordination. Our political system is one of the most accessible and potentially responsive in the world – public representatives and their constituents are only a clinic meeting away. There should be no reason why they are not acutely aware of the impact of violence on those living in their communities. We have a lively and highly penetrable media throughout the country. If worked with effectively, this extremely local based media could be our greatest allies in increasing understanding of domestic, sexual and gender-based violence. We have a standard national education system and curriculum, which means that violence against women and respect for gender and relationships can be integrated across lesson plans delivered across the country. Finally, in Ireland we are talkers. We can use this national gift to bring domestic violence in from the shadows. As a country we have demonstrated remarkable capacity to change behaviours and attitudes to smoking or drink driving, for example. The same can be achieved in relation to the attitudes and behaviors that facilitate a deep culture of shame and silence relating to violence against women.

In the preface to the Strategy 2010-2014, former Executive Director Eimear Fisher said that it was an expression of concern and action – the product of deep consideration, vision, energy, courage and trust by many organisations.

SAFE Ireland does not doubt but that this was the intention and aspiration for this first important Strategy. As time progressed, however, while it continued to be a Strategy of concern it faltered when it came to being a Strategy of action.

SAFE Ireland would like to see action, tangible outcomes and real impact for women and children as the key indicators of success for this new Strategy. Perhaps this means developing a Strategy that has fewer objectives, that is shorter in time frame, but that is more specifically targeted on areas that really matter to women and children. Critically, we feel that the Strategy must be backed up by a meaningful will to follow through on actions identified – to move beyond what many of our members have described as a “tick-box” method of consultation, monitoring and evaluation. This will mean greater meaningful collaboration and consultation with organisations and services dealing with violence against women every day of the year. If this collaboration underpins the new Strategy, action will progress beyond percentages represented on a pie-chart.

Above all, we need significant investment in a sector that has to date been hugely under-resourced. An additional €30 million in funding annually would restore services and allow for training, coordination and staffing in key positions in the statutory agencies. There is no recognition in any statutory review that this is the sixth consecutive year of cuts for domestic violence and sexual violence services at a time when there has been a huge increase in demand and need for supports from women and children

We look forward to working with COSC to bring about the action that is really needed to achieve, not just a “vision of safer lives at home and in our community” as Ms. Fisher’s Preface in 2010 states, but the tangible reality of such.

## SAFE Ireland Approach

SAFE Ireland tailored the COSC questionnaire for services, piloted it and then ran a workshop for members. Generally, it was felt that a questionnaire was not an appropriate or adequate method for review and consultation on such a serious matter. The different sections of the COSC questionnaire-template, proved difficult to follow as a method of reviewing progress.

Following this, we designed a new questionnaire, which was less structured and was aimed at giving respondents every opportunity to measure the Strategy's achievements against the reality of their frontline work.

At a members' workshop on the 10<sup>th</sup> of April, we presented these newly designed questions or topics to 19 service managers. Generally, managers were no longer familiar with the Strategy because they felt that it had little or no relevance to the functioning of their services.

Based on considerable ongoing consultation and research with our members and directly with women<sup>1</sup> and using feedback from the specific members' workshop to consider the COSC strategy, we present in this submission:

1. What the Strategy has meant for our members and what continues to be of concern to them for the welfare of the women and children that use their services.
2. Key recommendations for the design, planning and implementation of the next Strategy, and subsequent strategies.

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<sup>1</sup> Ongoing consultation and research includes Annual Statistics, Safety Audit, Report on Habitual Residency Condition, Legal Research

## Taking Stock - Since 2010

Since 2010, a number of pervasive realities have underpinned the response to domestic, sexual and gender-based violence.

### 1. Recession and resources

When COSC's first Strategy was published, Ireland was already feeling the impact of recession. As this new follow-on Strategy is developed, Ireland is in its sixth year of austerity budgets and fiscal adjustments. The cutting edge of recession has impacted on most families up and down this country, and none more so than the families our members have been supporting. Recession has severely curtailed public spending and has critically impacted on the capacity of service providers to offer the basic level of support to victims of violence. Services have responded by doing more with less. However, many are at breaking point now. And while services do their best to provide basic services, women and children are being faced with more barriers than options for safety.

HSE core funding to domestic violence services has been reduced by 14% since 2008. Our network of services is now operating on approximately €2 million less in core state funding. These cuts are neither consistent nor uniform. While a few, very small services have seen increases in their funding, others have seen reductions of up to 37% in core funding.

The impact of recession, coupled with a significant deficit in state infrastructure to respond to the issue, has compounded what was already a crisis regarding our response to violence against women in this country. This must be taken account of within any new Strategy.

## 2. Increasing Demand

The demand for the provision of services has continued to climb. In 2012, the number of women who received support from a domestic violence service soared to 8,449 – breaking the 8,000 barrier for the first time since records were first recorded by SAFE Ireland (2007). This represented an 8% increase on the previous year's record high and a 36% increase since 2008 when 6,204 women received a range of supports.

In 2012, for example, a massive 3,470 requests from women for refuge accommodation could not be met because the refuge was already full. This means that nearly ten times every day of the year in 2012, a woman, almost certainly with children, had to be refused emergency accommodation.

Services have continued to provide professional, client-centred services for women and children. However, many are considering closure because they are at risk of not being able to provide best practice service and supports.

Demand has definitely outstripped action and this must be addressed in the new Strategy.

## 3. Enormous Prevalence

The release of the most comprehensive EU-wide survey ever on violence against women by the EU Agency for Fundamental Rights (EU FRA) in February of this year, highlighted that demand, which quantifies the number of women coming forward to our services, is dwarfed by actual prevalence of the crime.

The FRA survey revealed that 26% of Irish women – or 394,325 women in 2012 – disclosed experiencing physical and/or sexual violence by a partner or non-partner since the age of 15. Almost one in three Irish women (31% or 470,157 women) disclosed experiencing some form of psychological violence by a partner and 15% of Irish women (227,495 women) disclosed experiencing physical or sexual violence by a partner.

While Irish prevalence figures were high, they were often below other European countries and European averages, highlighting a lower level of disclosure by Irish women, a poor response to victims in desperate need of practical, physical and emotional supports and a societal resistance to speaking out about violence.

The survey highlighted significant under reporting in Ireland leading to long held concerns that the prevalence of domestic, sexual and gender-based violence is even greater than was acknowledged when the first Strategy was developed. The new Strategy has to be realistically cognizant of the enormity of the crime.

#### **4. Poor Response Mechanisms**

At 70%, Irish women came top of the European table for not contacting any service or organisation, including the police, following the most serious incidence of violence. The European average was 53%.

The survey also showed clear evidence that Irish women's needs are more likely to be unmet than their European counterparts. One in four Irish women (24%) who looked for practical help after a serious incident of violence said that they were not satisfied.

Over six in ten (62%) looking for moral support felt that their needs were unmet and 25% of Irish women felt that they did not receive support to protect them from further violence or harassment.

While the first Strategy Progress Review in 2010 showed that there had been some areas of good progress with regard to the objective to promote and develop understanding and recognition of domestic, sexual and gender-based violence, the continued low levels of disclosure and the poor response to women looking for support and help points to a glaring gap.

It's good that awareness levels are raised but if women are brave enough to come forward, to speak out, they must be able to expect that statutory services will treat them seriously and will respond comprehensively to their needs, not fail them. The need for transformation in the way in which the state, the legal system and society responds to women living with violence must be central to the new Strategy.

## **Key Observations and Recommendations**

### **Keeping it Tight, Keeping it Woman Focused**

The following are the main points, concerns and recommendations which SAFE Ireland members believe should be at the heart of the aims and objectives within the new COSC Strategy. The members believe that if the Strategy focuses its attention seriously on these seven areas, the move to transforming the response to women and children living with violence will be well underway.

## **The Process - Beyond Tick Boxing**

The overwhelming response to the first Strategy was that it fell very short in its achievements, was overly ambitious and that its four-year term was too long without consideration for the changing Government or socio-economic factors that would impact on its progress. It was felt that there was a lack of meaningful communication between COSC and services.

Critically, it was felt that there was not enough real political will and conviction behind the Strategy. Members felt that consultation, interaction, evaluation and assessment descended to be little more than a tick-boxing exercise – covering off what was set out to be done rather than really analyzing, assessing, asking, listening, reviewing and putting structures and plans in place to effect meaningful change for women and children. The questionnaire for final review and proposals for the new strategy epitomized this overly bureaucratic, shallow and hands-off approach. Grant applications for awareness raising grants were given as another example of what members would see as a “tick-boxing” exercise. The emphasis in the applications seemed to be more on costs and unit costs and much less on concept, and the strategic development of a coherent awareness plan that would work across the whole sector.

### *Recommendations*

1. Have fewer, more achievable objectives.
2. Shorten the time frame for the Strategy to two years up to 2016, the end of this Government’s term if it continues to full term, and an iconic year in the assessment of rights for Irish citizens.
3. Take a stepped approach – have vision and ambition but set out realistically the steps that are needed to get there.

4. Improve communications and consultation with networks and their frontline members. Move beyond bureaucratic tick-boxing exercises and engage in a meaningful way with those working with women and children.
5. Establish an independent office or forum that can objectively monitor the implementation of the Strategy.
6. Involve SAFE Ireland, as the representative voice of 40 frontline services, in all decisions regarding the sector.
7. Be realistic about evaluation, assessment and monitoring – set key performance indicators that can be measured year on year.

## **Political Leadership**

Violence against women requires political leadership if it is to be regarded as the serious issue it is. While individual political representatives have raised the issue in the Oireachtas, and while it has been examined by the Oireachtas Committee on Justice, Equality and Law Reform, it has never been given the concerted political attention it requires.

The SAFE Ireland members believe that the new COSC Strategy should be central to achieving the political leadership and support necessary to effect meaningful change for women and children.

### *Recommendations*

1. Establish a high-level cabinet committee on violence against women.
2. Appoint a Minister with specific and named responsibility for violence against women.

3. Appoint a violence against women officer in every region.

## **Streamlined Co-ordination and Investment**

When the first Strategy was presented, six government departments, their agencies and up to 100 non-government organisations were involved in work relevant to the prevention and alleviation of abuse. While the Strategy stated that it aimed to “provide a strong framework for sustainable intervention to prevent and effectively respond to domestic, sexual and gender-based violence,” how in reality could this happen across such a myriad of stakeholders?

As the new Strategy is being put in place, responsibility for domestic, sexual and gender-based violence will have one new overarching home – the new Child & Family Agency or Tusla. SAFE Ireland welcomes this streamlining. However, members remain very uncertain about future funding allocations. Many are hearing indications that they can expect further cuts to core funding over coming years. Any new strategy has to ensure that the sector is invested in properly within its new home and that funding for services is increased.

### *Strategic Recommendations*

1. Ensure, as a core strategic goal, that current core HSE/Tusla funding is ring-fenced and maintained in 2014 with a view to increasing budgets again by 10% over 2015 and 2016.
2. Ensure that co-ordination means a whole systems response to women and children.

3. Embed quality and continued professional development training and supports for key frontline statutory professionals.

## **Address the Accommodation and Housing Crisis**

Access to safe accommodation, including emergency provision, medium-term and longer-term housing is a critical provision for victims of domestic violence including children. Women and children are made homeless by domestic violence. They are a unique group within the homeless sector in that they are fleeing crimes. This needs to be recognised and acted upon within any new Strategy.

Emergency accommodation is at crisis point. With just 141 family units, Ireland is at just one-third of the recommended Council of Europe domestic violence accommodation capacity.

Finally, the Habitual Residency Condition is placing unacceptable barriers on women seeking protection and safety. These barriers are leading to increased risk for women and their children who are very vulnerable to further violence from the perpetrator who has exerted and continues to exert severe control and abuse over them. These barriers persist across Ireland with evidence of great inconsistency from county to county and from person to person. A number of worrying trends are emerging as a result of HRC and related housing restrictions: Women are being forced to return to live in abusive relationships. Women and children are being forced to remain in abusive relationships. Women and children are being forced to stay in refuges for longer.

The new COSC Strategy must address the serious barriers to safe accommodation currently experienced by victims of domestic and sexual violence.

### *Recommendations*

1. Make housing a priority within the new Strategy. Prioritise a goal to amend and develop primary and secondary housing legislation.
2. Broaden the definition of homelessness to include victims of domestic violence, so that recognition of domestic violence victims is explicit and not just discretionary.
3. Set a quantifiable, yearly goal to increase the emergency accommodation capacity of domestic violence services across the country, and particularly where there is evident need.
4. Resolve the hardship that HRC, social housing application criteria and in some situations residency status, is causing for some women and children experiencing domestic violence.
5. Allow for exemptions to the HRC where domestic violence has been identified. Reports from bona fide services including domestic violence support services should satisfy evidence of the domestic violence.
6. Allow for exceptions to the current requirements for accessing social housing, or amend legislation, to enable uniform, suitable and timely responses to housing needs for victims of domestic violence where the obligation rests with the local authority to provide a range of appropriate and safe accommodation options.

## Meet International Obligations

The new Strategy will have to take into account Ireland's international obligations.

It is expected that the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, known as the Istanbul Convention, will be ratified by its requisite ten countries in July this year. This means that it is expected to come into force across all EU member countries three months later.

SAFE Ireland is a member of the Victims Rights Alliance, which is working to assist in the implementation of the Victims' Directive (or the Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime).

The state, our legal system and our judicial systems have a special duty to ensure that a woman's right to live free from violence is protected and upheld. The new Strategy must ensure that structures are put in place to ensure the enactment and implementation of both of these important international mechanisms.

### *Recommendations*

1. Set out a timeline within the Strategy for all policy and legislative changes and actions needed to ensure the full enactment and implementation of the Istanbul Convention.

2. Establish goals for the implementation of the EU Victims Directive with particular attention to the needs of victims of domestic violence, including:
  - Availability of information at all entry points to the state and non-state system detailing the process for making complaints and statements to Gardai and other justice professionals (Implementation of EU Victims Directive 3).
  - Rules required for each party to be heard (Implementation of EU Victims Directive 4)
  - Formalise the role of specialist DV advocates to ensure that victims have access to an advocate throughout their process of seeking protection and justice (Implement EU Victims Directive – Articles 3.3, 8, 20 and 25)

## **Remove Legal Barriers**

Women accessing our member services consistently report that they are not taken seriously when they come into contact with the legal system. They are often not believed, their cases are often trivialised; barring orders and safety orders are breached without consistent, or sometimes, serious, consequence. In short, they are living with the reality that domestic violence is not categorised as a crime within our statutes.

Where there is understanding and the will to do things well within the legal system, the benefits are huge for women and children. There are pockets of good practice around the country where the system is cohesive where the courts work with An Garda Síochána and with the local domestic violence service. These are pockets where stereotypes and preconceptions about domestic violence are trumped by solid data-based evidence and where the default position is the physical wellbeing and welfare of the vulnerable until such a time as the issue can be and is resolved.

These pockets of good practice need to become what all women and children in Ireland can expect.

The goal to effect meaningful and measureable changes in the way in which domestic violence is defined, treated, recognized and understood within the legislative process and the judicial system must be a defining measure of success of the new Strategy.

The National Steering Committee recently approved SAFE Ireland recommendations to contribute to the review of the Irish Legal System to improve the response to women and children who have experienced domestic violence. We expect that these recommendations will form the backbone of key legal objectives within the new COSC strategy.

### *Recommendations*

1. Expand the legal definition of domestic violence in order to ensure all victims are consistently treated with the utmost care and respect and their case is given the attention it deserves. This new definition should encompass “coercive control” as an offence, with coercive control within an intimate relationship seen as an aggravated offence.
2. Within the Domestic Violence Act, amend the threshold of domestic violence, or risk of same, which should trigger a safety or other order.
3. Ensure that the best interests of the child and where appropriate the voice of the child are heard and are paramount in all proceedings relating to their care, custody, access and guardianship. (Head 32 of the CFRB General Scheme should address this if passed into law).

4. Explore the grounds for the establishment of a specialist DV court model, which ensures victim autonomy or agency, operated by trained professionals who understand the complexities and dynamics of domestic violence and risk minimization.
5. Alternatively, train all justice professionals including the Judiciary who are hearing or representing domestic violence cases in both civil and criminal courts or both.
6. Ensure legal advocacy support and information to victims who want to appeal decisions. Alongside this, design and deliver quality training in partnership with NGO specialists to all legal advocates and litigators
7. Reform action around section 47 and section 20 reports.
  - The state should ensure provision of Section 47 reports for all relevant cases so that no victim has to resource these reports. The legislation to effect this has been passed but not yet commenced
  - All section 47 and section 20 reports should be admissible to court proceedings and the experts who produce the reports should be subject to cross-examination
8. Review as a matter of urgency, the legal aid charges for women who have no means to pay them. Standard practice in the UK is to exempt DV victims from being subject to these charges
9. Increase accessibility to protection orders for those victims who are in 'dating relationships' and who do not satisfy the eligibility criteria based on cohabitation.
10. Establish homicide review legislation and implementation structures so that multi-agency reviews are conducted following a domestic homicide. This will assist all those involved in the review process to identify the lessons that can be learned with a view to preventing or reducing risk of future homicides and violence. (See Section 9 of the UK Domestic Violence Act, 2004)

## **Invest in Primary Prevention Awareness**

There needs to be considerable investment in Primary Prevention Awareness, that is not just about public awareness but is about public engagement across different settings.

### *Recommendations*

1. Invest in campaigns and actions that shift the focus onto perpetrator behaviour and accountability.
2. Invest in strategies and activities that have as their aim changing behaviour and attitudes to violence against women. This must include work to engage bystanders.
3. Invest in research to build a greater evidence base in Ireland, in particular research which is based on the lived experiences so that it can inform and design public policy that is centred on real outcomes for women and children.

## **About SAFE Ireland**

SAFE Ireland is a young, innovative strategic national organisation. We work with 40 specialist domestic violence member organisations across Ireland. Together we provide a range of services to support the safety and well-being of 12,000 women and children annually. Through this work, we understand the complexities, impact and pervasiveness of domestic violence in Ireland and we believe we can make Ireland a safer place for women and children.

We lead research and disseminate good practice to our members, other professionals and statutory bodies. We are the only national organisation to collate and analyse national statistics on domestic violence service provision across all services.

We collect the experience of our member services and give survivors a voice, sharing the experiences and enormity of domestic violence in our country. We work in collaboration with our members, government departments, state agencies and relevant stakeholders to progress a change agenda. We want society to take responsibility for the eradication of violence against women.

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