

# *They Should Not be Allowed To Get Away with It*

**Voices of Women  
who Have Experienced  
Domestic Abuse**

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# **They Should Not be Allowed to Get Away with It**

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## **Voices of Women who Have Experienced Domestic Abuse**

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### **The Mid-West Region**

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***They Should Not be Allowed to Get Away with It***, which is the title of this report, is an aspiration of many women who experience violence. It was a phrase used by women in this study when they felt that men were not held to account for their violence

## **Introduction:**

This report was commissioned by the current Mid-West Regional Advisory Committee (R.A.C.) for the Prevention of Violence Against Women.

The original R.A.C. was established following the publication of the Report of the Task Force on Violence Against Women in 1997. The Committee's role was to develop cohesive regional strategies to address violence against women and to enable local development of service responses in the Mid-West region (Counties Limerick, Clare and North Tipperary) in conjunction with Local Area Networks (L.A.N.) in the three counties.

The R.A.C. in the Mid-West HSE region has developed two regional strategies (2004-2007; 2008-2011) in combination with statutory, voluntary and community sectors which have been formed and contributed to by previous local research reports. Research in 2007 by Mary O'Sullivan (I.S.Q.S.H.) identified a number of key developments required to address service needs within the region, including specific longer-term supports for survivors, their families and the intervention of the Justice system with violent partners.

This research report by Dr. Patricia Kelleher represents a development of the 2007 Report's recommendations. It focuses very specifically on the survivor's perspectives of their experiences. This focus has provided a detailed account of survivors' personal journeys in their recovery from domestic and sexual violence and how the existing statutory and non-statutory services have engaged with them.

The Mid-West R.A.C. for Prevention of Violence Against Women has already begun responding to the recommendations of this Report, in line also with the recent "National Strategy for Domestic, Sexual and Gender-based Violence, 2010" launched by Cosc. In particular, the development of survivor support groups by each Local Area Network (L.A.N.), in tandem with the R.A.C. itself, will provide a mechanism for dialogue as to the contemporary needs of women survivors and their families. The inclusion of the voices of survivors of domestic and sexual violence in the planning and delivery of specialist services is a working principle which is very evident in the overall commitment of the Mid-West R.A.C. and its members. In addition, the services represented at both R.A.C. and local area levels are focussing on how to optimise awareness of specialist services for victims from minority groups through proactive consultation with groups involved with Travellers, immigrants support and people with disabilities.

In light of the current economic climate and resource limitations, the recommendations from this research study offer a significant challenge to all services, both statutory and voluntary, to deliver quality of care to those most affected by domestic, sexual and gender-based violence and to hold perpetrators accountable for their actions.

As in the case of the National Strategy, this research study also places emphasis on the need for all agencies to commit to the development of national standards to guide staff training, public awareness and prevention initiatives, across the sector.

Finally, it is acknowledged that the experience of survivors as presented in this report, highlights that the integration of service delivery across all government departments, together with the community and voluntary sector, could still be enhanced and improved. This latter point will provide further stimulation to the on-going qualitative question as to how best to promote and include the voice of survivors in all aspects of service planning and evaluation, in order to properly address the variances in their documented experiences. In the Mid-West, the work of the R.A.C. and the corresponding Local Area Networks of service providers are now both actively engaged in an organic response to this critical issue, one which will remain at the heart of society's response to victims and their families affected by such violence.

Jacqui Deevy,  
Designated Officer,  
Prevention of Violence Against Women,  
R.A.C,  
Mid-West HSE.

This report was commissioned by the Mid West Regional Advisory Committee for the Prevention of Violence Against Women (formally the Regional Planning Committee on the Prevention of Violence against Women). This committee was established following the publication of the *Report of the Task Force on Violence against Women*, in 1997. The role of the Committee is to develop service responses based on cohesive strategies to deal with violence against women within the Mid West Region (Limerick, Clare and North Tipperary) in line with both regional and national strategies. The Committee has representation from the statutory, voluntary and community sectors.

#### MEMBERS OF THE RESEARCH ADVISORY SUB-COMMITTEE

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Jacqui Deevy	HSE
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**Patricia Kelleher** has a PhD in Sociology from University College Dublin and was a Research Fellow at the Centre of European Studies, Harvard University. She is currently an adjunct Senior Lecturer in the Department of Sociology at the University of Limerick. In 1987 she established *kelleherassociates*. Her interests include: class, social exclusion and poverty; masculinities; violence against women; and community planning, policy formulation and strategic planning.

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## *Acknowledgements*

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Patricia Kelleher, PhD

## *Executive Summary and Recommendations*

### **Brief of Research**

The purpose of the research as set out in the invitation to tender is as follows:

*To enable women survivors of domestic and sexual violence to deliver commentary to the Mid West Regional Advisory Committee by way of a service users group, as to their experiences of Violence Against Women Services*

This small-scale research study is centrally concerned with violence against women in the home. It aims to document the experiences of women and focuses on women's views of specialist support and outreach services, and on public sector services.

### **Background to Research**

The international women's movement in the 1960s and 1970s highlighted the issue of violence against women in its many forms. It transformed our understanding of rape, and domestic and sexual abuse. These acts of violence were contextualised in terms of unequal power relationship between the victim (the woman) and the abuser (the man).

Violence against women is now seen as intentional behaviour chosen by men as a tactic or resource to control and dominate women (Dobash and Dobash 1992). Violence against women is not a new phenomenon and is not confined to any particular class, country or period of history. Dobash and Dobash (1992) argue that violence against women stems from the power differential between men and women in society. They point to the cultural, economic and social factors which give men unequal access to both material and symbolic resources and to power and status in the public arena. Addressing violence against women requires that societal structures, which lead to gender inequalities, be tackled.

Other forms of unequal relationships between adults in a family context can also lead to domestic abuse e.g. between same sex couple or between mother and son.

The term domestic violence is used in this report when referencing legislation and public policy but otherwise the term domestic abuse is used as this is the term more widely used in the Mid West region to reflect the range of abuses that women experience. In many respects, these terms are hopelessly inadequate to denote the systematic terror and brutal nature of the physical, emotional and sexual violence that is being discussed here.

Domestic abuse is a common experience in many women's lives. It is estimated that between 15 and 18 per cent of women in Ireland will experience domestic abuse (kelleherassociates and O'Connor 1995; Parsons and Watson 2005). Critically, a large proportion (48 per cent) of murdered women in Ireland is murdered by intimate partners or ex partners (Women's Aid 2007)<sup>1</sup>. Threatening to leave a partner, leaving a partner and post separation are high-risk times for women. Being pregnant is also a

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<sup>1</sup> Between 1995 and 2007, 138 women were murdered in Ireland and in 48 per cent of the resolved cases; the woman was killed by a partner or ex partner.

high-risk period, with one study documenting that just over one-third (34 per cent) of women who experience domestic abuse are assaulted during pregnancy (*kelleherassociates* and O'Connor 1995) and a second study documenting that one in eight pregnant women experience abuse. Such abuse can lead to miscarriage, foetal damage, early labour and rupture of the uterus (O'Donnell, Fitzpatrick, McKenna 2000).

Rape and sexual abuse, although extensive remains one of the most unreported and under-recorded of violent crimes. It is prevalent in all societies and it is now becoming clear that sexual violence is often an integral part of intimate partner violence. A national study of sexual violence in Ireland, found that one-quarter of women experienced "contact sexual abuse" and just over 6 per cent of women experienced penetrative sexual abuse (McGee, Garavan, DeBarra, Byrne, Conroy 2002). Almost one-quarter of perpetrators of sexual violence against women were intimate partners or ex partners. In a study of domestic abuse in the West of Ireland, 16 per cent of women disclosed that they had experienced sexual violence in intimate relationships (*kelleherassociates* and Corbett 2000). The extensiveness of sexual violence in Ireland is also illustrated by the 9,476 calls received in 2008 by the national helpline of the Dublin Rape Crisis Centre.

Over time, the complex and severe psychosocial problems experienced by women who have been subjected to violence were documented. Women experience loss of confidence, depression, difficulties with sleep, increased fear for their children and severe isolation (*kelleherassociates* and O'Connor 1995). International studies report significant drug and alcohol abuse among survivors. One study documented that 25 per cent of female suicides can be traced to domestic abuse (Stark and Flitcraft 1996). Also, 64 per cent of hospitalised female psychiatric patients have histories of being physically abused as adults (Warshaw 1993). Other symptoms of violence against women include chronic pain, somatic complaints, chronic fear and anxiety. In Ireland, Kennedy (1985) presented evidence that violence within the family can exacerbate poverty leading to homelessness, and Smith *et al* (2001) found that 55 per cent of homeless women in emergency hostels had been subjected to severe physical or sexual abuse. Zorza (1994) estimated that violence against women is the largest cause of homelessness in America, accounting for up to half of all homelessness among women.

We now know that men who abuse their partners are likely to also abuse their children. In New York, half of the children whose mothers were abused were found to be victims of physical abuse (Buel 2000). Violence in the home has varied and serious impacts on children who witness or live with this violence. In an Irish study 64 per cent of women who experienced violence reported that their children had witnessed violence (*kelleherassociates* and O'Connor 1995). Negative impacts include poor school performance, children being fearful and withdrawn and sleeping problems.

In the 1970s the refuge and rape crisis movement developed in Ireland, and networks of refuges, outreach services, rape crisis centres and support groups spread throughout the country, aimed at providing appropriate responses to survivors. Survivors consistently rate refuge and outreach services very positively (*kelleherassociates* and Corbett 2000; Sullivan 2009). Women appreciate that these services are woman-centred, understand the dynamics of violence, operate from an empowerment

perspective and that they prioritise women's and children's safety. However lack of funding historically has resulted in crowded conditions in some refuges, inadequate support for children and difficulties for refuges in accommodating the large numbers of women seeking refuge. These conditions began to improve (kelleherassociates and Breslin 2001), but due to recent cut-backs in budgets and further cut-backs planned allied with increased demand, services are again under pressure (Safe Ireland 2010). Attention has also been drawn to the complex and unmet needs of women who are cross-addicted, women with a disability and Traveller women (kelleherassociates and Breslin 2001; kelleherassociates and O'Neill 2004).

Immigrant women who experience domestic abuse and who are on a dependent visa from outside the European Union (EU) face particular difficulties. They are reliant on the willingness of their abusive partners to pay for medical insurance and other public services on their behalf. Most importantly they are dependent on him to have their visa renewed. In leaving their husband they are at risk of becoming undocumented, without access to social welfare or public services. The *Immigration Residence and Protection Bill*, 2010 despite many progressive aspects, does little to address these vulnerabilities of non-EEA migrant women.

By the 1980s and 1990s, the rights of women to be free from gender based violence was enshrined in United Nations legislation and, in response to pressure from the violence against women movement, public sector agencies in Ireland and the Irish government set about making significant responses. These included:

- The introduction of legislation in the form of the *Criminal Law Rape (Amendment) Act 1990* which specifically named marital rape as a crime
- The updating of the 1976 domestic abuse legislation with the introduction in 1981 of a power of arrest for breach of domestic abuse orders. In 1996, the 1981 legislation was repealed and re-enacted with amendments, and eligibility criteria were broadened to include parents and partners under specific circumstances (Appendix A)
- The establishment of the Domestic Violence and Sexual Assault Investigative Unit (DV&SAIU) in 1993
- The introduction in 1994 (amended in 1997) of the Garda Siochana Policy on Domestic Violence Intervention (Appendix A)
- The establishment of a Task Force on Violence against Women in 1996 and the publication of the *Report of the Task Force on Violence Against Women in 1997* (Office of the Tanaiste). This report acknowledges the grave and serious nature of rape and sexual assault and the repeated and systematic nature of domestic abuse. The publication of this report is a major landmark in the evolution of a response to the issue of violence against women in Ireland
- The establishment of a National Steering Committee and eight Regional Planning Committees for the Prevention of Violence against Women in 1998 to ensure equity of services across regions and greater co-ordination between services, both in the voluntary sector and public service sector

- The establishment of Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence in June 2007. It has the key responsibility to ensure the delivery of a well co-ordinated "whole of government" response to domestic, sexual and gender-based violence. The work of Cosc covers issues relating to domestic and sexual violence against women and men, including older people in the community
- The restructuring of the eight regional committees as Advisory committees with a revised brief and membership (2009)
- The publication of the National Strategy on Domestic, Sexual and Gender-based Violence (COSC 2010)

Despite major improvements in the development of policy and practice, few statutory agencies have a written national policy on domestic violence<sup>2</sup> and mainstream services are considered uneven and variable (*kelleherassociates* and Corbett 2000). Women who have experienced domestic abuse have told of public service agencies paying too little attention to safety, of not understanding the dynamics of violence and not making appropriate referrals, and, of the courts and Gardaí not holding men accountable (*kelleherassociates* and O'Connor 1995; 1999).

More recently, the importance of facilitating service users to comment on and participate in policy formulation, planning and service evaluation is recognised, and is one of the objectives of the *Mid West Reviewed Strategy Statement 2008-2011: Prevention of Violence against Women*. The views and aspirations of service users are seen as critical as they can provide important insights into the strengths and deficiencies of provision and can lead to more focused and responsive services. The HSE have formally recognised the need for service user consultation in the "National Strategy for Service User Involvement in Irish Health Service; 2008 - 2013".

### **Research Methodology**

This study is a small-scale study based primarily on first-hand accounts of survivors of domestic abuse in Limerick, Clare and North Tipperary. The study set out to also engage with women who had experienced rape and sexual assault. However it was not possible to document the experiences of these women as only one woman came forward who was willing to talk about these experiences, despite the guarantee of confidentiality.

In addition, while women who are trafficked experience major challenges (*kelleherassociates et al* 2009), as do women seeking asylum, women who are victims of rape as a tool of war and women who are subjected to Female Genital Mutilation (FGM), examination of these experiences were outside the scope of this study. Women with a disability are particularly vulnerable to being abuse. This consultation did not set out to explore their experience in detail. One of the recommendations of this report is that a separate consultation be carried out to establish the views of women with a disability.

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<sup>2</sup> Currently An Garda Siochana, General Practitioners and the Probation Service have protocols/guidelines in existence.

The study is qualitative in nature and was conducted over a three-month period (February 2010 to April 2010). Consultation was held with 53 women by way of individual interviews or focused group discussions. Individual interviews were conducted with 17 women and six group discussions were held. The size of the groups ranged from four to ten women, with an average of five women in each group. To supplement these interviews, Doras Luimní<sup>3</sup> provided three case studies of women from outside the EU who had experienced domestic abuse, to illustrate the immigration-related difficulties and uncertainties these women experience.

The research was carried out with considerations to the centrality of ethical and participatory research approaches. This means that interviews were carried out with respect for participants, and were confidential and based on consent. Themes for discussion focused on women's experiences of the responses of specialist and public sector services and not on questions relating to violence that could further trigger painful memories and remembered traumas. However many women wished to describe the violence they experienced. This violence is outlined in section 1.1.

The analysis is based on a thematic qualitative analysis of the interview data, focussing on key themes, which guided the interviews and later on other themes that emerged inductively from discussions with the participants.

### **Profile of Participants**

Of the 56 participants, the majority (71 per cent) were Irish, two of whom were from the Traveller community. The sixteen remaining women were from Britain (7), other northern European countries (2), Eastern Europe (2), Africa (2), Asia (1) and the South America/Caribbean (2).

**TABLE 1: COUNTRY/REGIONS OF ORIGIN**

Country of Origin/Region	Number	Percentage
Ireland	40	71.4
British	7	12.5
Other Northern European Country	2	3.6
Eastern European Country	2	3.6
Africa	2	3.6
South America/Caribbean	2	3.6
Asia	1	1.7
<b>Total</b>	<b>56</b>	<b>100.0</b>

A small percentage (9 per cent) was less than 30 years. The majority of women were between 30 and 50 years.

**TABLE 2: AGE OF PARTICIPANTS**

Years	Number	Percentage
21-30	5	8.9
31-40	18	32.1
41-50	17	30.3
51+	13	23.3
No information	3	5.4
<b>Total</b>	<b>56</b>	<b>100.0</b>

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<sup>3</sup> Doras Luimní is a Limerick based organisation which promotes and protects the rights of all migrants

Five women had no children.

Ten per cent of women were in full-time employment and five per cent were self-employed. The remainder were either in part-time employment or not working outside the home.

**TABLE 3: WORK STATUS**

Source of Income	Number	Percentage
Part-time Employment/ Community	24	42.9
Not Working Outside the Home	22	39.2
Full-time Employment	6	10.7
Self Employed	3	5.4
No information	1	1.8
<b>Total</b>	<b>56</b>	<b>100.0</b>

Fifty per cent of women were living in owner-occupied accommodation; 25 per cent (14) of women were in the private rented sector and 9 per cent (5) were living in local authority accommodation. The “other” category (6 women) refers to women living in crisis/transitional accommodation and one woman was living in Traveller specific accommodation.

**TABLE 4: TYPE OF HOUSING**

Type of Housing	Number	Percentage
Owner Occupied	28	50.0
Private Rented Accommodation	14	25.0
Local Authority House	5	8.9
Other	6	10.7
No information	3	5.4
<b>Total</b>	<b>56</b>	<b>100.0</b>

The location of residence was fairly evenly divided between city, town and rural areas.

**TABLE 5: LOCATION OF RESIDENCE**

County	Number	Percentage
City	20	35.7
Town	16	28.6
Rural	19	33.9
No information	1	1.8
<b>Total</b>	<b>56</b>	<b>100.0</b>

Of the 56 women, 41 (73 per cent) were in receipt of a medical card.

### Summary and Conclusions

Violence against women takes many forms and women told of:

- Physical violence
- Sexual assault and rape
- Other forms of sexualised violence including being made to act out pornographic images
- Destruction of property

- Being urinated on
- Being isolated from friends
- Threats to children
- Stalking
- Loss of control over access to money, personal items, food and transportation; and having one's telephone conversations monitored

This form of violence is not an isolated incident, but is systematic and intentional. Women told of how men directed their violence against women in order to maintain control over the thoughts, actions, feelings and bodies of women. Women told of the consequences of violence in the home for children, that include anxiety, depression, difficulties at school, attempted suicide, abuse of solvents, self-harm and of eating disorders. The impact on women extends to post separation when harassment and violence continues to pose serious dangers to women. Women told of how abusive men can use maintenance payments and access arrangements to continue their control over them.

There is a high level of satisfaction among women with specialist Violence Against Women (VAW) services. Women value highly the combination of practical assistance, effective referral, an assurance that the violence is not their fault, and the fact that staff members understand and prioritise the safety of women and children. This empowering approach of staff helps women to regain self-esteem and confidence.

Women felt that there is a deficit of support groups in rural areas for women experiencing domestic abuse. Furthermore, it was pointed out that some women who remain living in abusive relationships are unclear whether or not they are welcome to join support groups.<sup>4</sup> Greater access to counselling, staffed by professionals who understand the dynamics of domestic abuse was also identified as a need. Women made the point that a more proactive approach on the part of support services in making contact with women experiencing violence would help to reach women who are not themselves proactively seeking help.

Although many committed attempts are being made across sectors to improve public services, women find the responses of services in this sector patchy. Uneven practices and delays in some instances left women feeling unsafe and placed women and children at further harm. Lack of understanding of the dynamics of abuse or a response from professionals where the abuse is not acknowledged, is experienced by women as colluding with the abuser. It can lead to a lack of trust in services and be a reason why women disengage with services.

The manipulative behaviour and tactics of abusive men came up for discussion several times, with women stating that many abusive men are charming and charismatic around others, and many professionals are taken-in by them.

The capacity of medical personnel to recognise domestic abuse when their patients present varies and impacts on their ability to respond appropriately and provide women with relevant information on specialist services was repeatedly noted. Women

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<sup>4</sup> Service providers need to consider the positive and negative aspects of involving women who have left abusive relationships in the same groups as women who are currently in abusive relationships.

spoke of negative experiences of couples counselling, with counsellors ignoring the violence and allowing the perpetrator's dominance to continue.

Despite major transformations in the Garda practice, women experience an inconsistent response from Gardaí. Women felt that Gardaí need to listen to them, as they are often best placed to assess their own safety. Evidence from women suggests that in some instances they could have been protected from further harm if the Gardaí responded to the call-out more promptly, arrested the accused and removed the accused from the residence. However women were unsure of the precise powers of the Gardaí to arrest and prosecute.

While women stated that many judges are courteous, women reported court facilities generally to be inadequate. The family law court can be a bewildering place for women seeking redress. Women experience delays in getting cases heard and court lists can be over-crowded with many of the difficult cases being left until late in the afternoon when judges are often tired and fatigued. There is a great lack of privacy in the waiting area of many courts, with both parties to the dispute being in close proximity of each other. In some cases, court proceedings can be over-heard from the hallway.

It is women's experiences that there is significant discretion and considerable variation in how judges interpret domestic violence legislation. Judges do not always have the experience, or the relevant information is not always before the court, to deal with access disputes. In such cases women experience the inappropriate granting of access orders as new forms of abuse. Granting access to children by violent partners needs careful consideration, as there was a strong view expressed that the safety of women and children is compromised in many instances. It is not only the actual access, but also the hand-over stage of access, which concerns women. Contact that parents are required to have for the purpose of access can lead to threats and intimidation, and be experienced by women as new forms of abuse.

The manipulative nature of many abusive men mean that they can perform and present well in court and there was a general view that many of these men are confident and in control in a court situation. It is the experience of many of those interviewed that manipulation and power is used to continue the harassment of women even when domestic violence orders are issued by the courts. Women feel that there is need to investigate why criminal acts in the form of breaches of domestic violence orders and other criminal offences are not more forcefully prosecuted.

Many women felt strongly that children's voices should be heard in court. This would be in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) that requires that states allow children who are capable of expressing views to do so, and to give weight to those views according to the age and maturity of the child.

Severing an intimate relationship means changed economic circumstances and poverty for many women. Women's economic empowerment needs to be central to policy and practice. In some areas, women experience great difficulty accessing exceptional needs payments from the supplementary welfare service. Also, the non-compliance with maintenance orders by ex-partners was a key theme in many

discussions. Women stated that abusive men are withholding maintenance payments as a means of continuing the control and harassment of women and leaving women and children in poverty.

Accommodation is a huge problem for women who wish to escape from a violent relationship.<sup>5</sup> It is the experience of women who are joint home owners or women whose spouse is a home owner that they are not permitted to have their name listed on the local authority housing list and are thus not eligible for either local authority housing or rent allowance for the private rented sector. Also, women applying for rent allowance in the private rented sector are required to register with the local authority. Since local authorities are requesting Garda clearance for all new housing applications, this can delay the processing of an application for anything from 4 weeks to 16 weeks. This practice is a major obstacle for women who wish to leave abusive relationships and for women who want to move on from refuge accommodation.

Although VAW service providers have made great efforts to respond to the needs of Traveller women, accessing services can present particular issues for Traveller women. They do not always feel understood by service providers and sometimes feel inappropriately judged. Traveller women would like Traveller women employed in direct services provision. Consultations which are Traveller-led should be undertaken with Traveller women to identify how their safety women can be maximised (see section 1.5). Women from the most marginalised working class communities can also feel silenced because of class differences, which can be aggravated by other issues such as links to families involved in crime, feuds and drug-related offences.

Immigrant women from outside the EU who experience domestic abuse encounter specific difficulties when faced with domestic abuse. For instance they may enter the country on a dependent visa and the renewal of their residency status may be dependent on the co-operation of their partner. Women in such situations can find it difficult to seek help as they are at risk of becoming undocumented and ultimately deported (section 1.5).

## **Recommendations**

This report makes a series of recommendations outlined below.<sup>6</sup>

The relevant sub-committees of the Mid West Regional Advisory Committee should identify which of the following recommendations are appropriate to follow up regionally and which should be referred nationally for implementation.

## **Prevention and Awareness**

The is a need for high visibility regional campaigns, which give a strong message that violence against women is a crime and is not acceptable. These campaigns should have a dual focus:

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<sup>5</sup> A comprehensive review of the issues affecting women who experience domestic abuse in Ireland is documented by O'Connor (2006).

<sup>6</sup> Some of these recommendations overlap with the Goals and Objectives outlined in the *Mid West Reviewed Strategy Statement 2008-2011* by the Mid West Regional Planning Committee on Violence Against Women.

- (i) Encouraging women to seek support and informing them that supports are available regardless of whether the woman is still in the relationship or not.
- (ii) Informing the general public of the realities of violence against women including mental abuse, physical abuse, rape and sexual assault.

In developing the campaigns and other information material, the limited literacy levels and/or knowledge of English of some women need to be taken into consideration and graphics used to illustrate key issues. These initiatives need to be backed by resources to helplines and specialist services to cope with the increase in the numbers of women coming forward for support and the increase in the number of calls to helplines.

The Mid West Regional Advisory Committee should review information booklets currently available in the Mid West to women survivors, update them and make them available across the region in both hard copy and through appropriate websites. Particular attention should be paid to covering the following areas: information on domestic legislation, how to make applications in the civil courts, how women should gather evidence, and how to report abuse to the Gardaí.<sup>7</sup> The specific challenges and strategies in gathering evidence relating to emotional abuse need to be addressed. This information would need to be agreed and signed off by the Gardaí.

The Mid West Regional Advisory Committee should support the production of information material for teenagers that would meet the needs of teenagers living with domestic abuse and/ or experiencing teen abuse. Information provided should include information on healthy and unhealthy relationships and the supports available to teenagers. This should be developed in consultation with young people.

### **Healthy Relationship Programme for Teenagers**

A Healthy Relationship Programme is currently being piloted in schools in the Mid West. It is implemented in conjunction with “Good Practice Guidelines for Violence against Women Prevention Education in Post Primary Education Sector” which were also developed in the Mid West region and are in keeping with national policy and international developments.

The programme promotes the importance of building relationships based on dignity and respect. It teaches young people to recognise the signs of abuse. It includes a strong message that young people do not have to endure controlling relationships and that nobody has an entitlement to physically, emotionally or sexually control another individual. Healthy relationships programmes need to be implemented with sensitivity to young people living in families where abuse is taking place.

The programme is currently being evaluated and the learning ought to contribute to the development of an expanded and refined initiative which could be considered as a template for the development of a national programme.

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<sup>7</sup> The report by the National Domestic Violence Intervention Agency (NDVIA) 2007 has outlined many of these procedures and would be a useful reference for such a booklet.

This development should take place in conjunction with the formal and informal education sectors and efforts made to have the programme integrated into the curriculum at second level. This would be in keeping with current national strategy on the prevention of violence against women.

### **Frontline Service Practitioners in Statutory Agencies**

Frontline service practitioners (such as housing officers, medical doctors, public health nurses, social workers, family support workers, court clerks and solicitors) need a consistent understanding of violence against women. Protocols need to be in place to assist them to recognise, respond and refer appropriately when handling situations where domestic abuse is a hidden or presenting issue. They need to have the capacity to undertake routine questioning and be able to detect domestic abuse. When they identify the presence of domestic abuse, women would like be told “It is not your fault”, “What has been done to you is wrong”, “There is help at hand”. Women need to be listened to and given information on specialist support services and encouraged to contact these services.<sup>8</sup> They also need information on the civil and criminal responses to domestic violence.

Any disclosure of abuse is painful and involves complex emotional issues. How these issues are differently experienced, as a result of ethnicity, disability or class, need to be taken into consideration, as well as the stressful effects of living as a member of a migrant community, Traveller community or a marginalized working class community.

Effective referral procedures to rape crisis centres, specialist domestic abuse support services and other appropriate services should be in place. Practitioners also need training on how to handle abusive men as a large proportion of caseloads are directly or indirectly concerned with domestic abuse.

### **Specialist Violence against Women Services**

Specialist VAW services such as refuges, support services and rape crisis centres should be supported to proactively publicise the range of services they provide including the range of outreach services available to women in rural areas. The number and extent of community based ‘clinic’ services in rural areas should be further developed. Women would like increased access to support groups in rural areas. The fact that women living in abusive relationships are welcome to attend support groups needs to be more broadly publicised.

Stronger links need to be established between specialist VAW services and other services where there is evidence to show clear links with domestic abuse (e.g. mental health, suicide and addiction), to increase collaboration and understanding by each of the role of the other.

It was also suggested that specialist support services should document and compile information on the experiences of their clients of public sector services, such as Garda call-outs, access arrangements, enforcement of maintenance orders and experiences of the medical services. However, the resource implications of such a strategy would

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<sup>8</sup> Individual professional organisations should have protocols and guidelines for identifying and responding to domestic violence cases. Currently An Garda Síochana, General Practitioners and the Probation Service have such protocols/guidelines.

need to be investigated and such a strategy would need to be combined with monitoring by the public sector services themselves. Consideration also needs to be given to how this information would be used.

### **The Civil Legal System**

The protection and safety of victims should be the core focus of the legal system where domestic violence is present.

#### **Conditions in Family Courts**

The Court Services need to consider how court caseloads can be managed more efficiently, as women spend enormous amounts of time waiting for their case to be called.

Conditions in family law courts should be improved significantly and there is need for facilities that ensure privacy and safety for victims. The “quiet room” made available to Clare Haven Services by the Court Services helps to make women feel safe and supported, and protects them from the gaze of the abuser. Consideration should be given to extending this service to other areas.

#### **Access**

Judges need training on violence against women, and how to ensure that the safety of women and children is not put at risk.

In deciding on access where there has been a history of domestic violence, judges need support to give full consideration to the safety of women and children. The practice in Britain and some other jurisdictions is, if domestic violence is evident, access to children is not given without a full risk assessment being carried out. Where children are old enough to speak for themselves their views and concerns are taken into consideration. In general decisions in relation to access should include consideration as to the ‘handover’ and the safety implications of how this happens. In addition, decisions should be reviewed on a regular basis to ensure the ongoing safety of the women and children involved.

The role of the Probation Service in family courts should be re-instated. It is a court-based service and has expertise on managing the behaviour of offenders. It is best placed to provide support and reports to the court on the welfare of families and on the risks and the behaviour of offenders.<sup>9</sup>

Alternative models of practice in other jurisdictions such as the Custody and Access Project in London, Ontario should be reviewed as to their applicability in the Irish context and the possibility explored of having designated access centres that could be managed by a partnership between the Probation Service, the HSE and specialist VAW services.

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<sup>9</sup> The Probation Service had a key role in family law proceedings between 1975 and 1995. They provided family law courts with professional assessment reports and conciliation services, where appropriate. The purpose of the assessments reports where domestic violence was present was to inform the courts of the current domestic violence situation with an emphasis on the needs of the child and to suggest ways in which conflict could be reduced. This role was discontinued because of lack of resources. It is critical that this role is re-instated as the Probation Service, given their familiarity with court practice and their professional ability, expertise in the area of family law and in monitoring the behaviour of offenders.

### **Maintenance**

Non-payment of Maintenance is a strategy often used by perpetrators to continue their abuse and control of their ex-partners. Policy and procedures in relation to the enforcement of maintenance orders need to be reviewed as a matter of urgency and effective procedures need to be put in place. The Court Services should take responsibility for pursuing defaulters and ensuring that maintenance orders are automatically enforced by the courts and there should be additional penalties imposed for breaches of maintenance orders.<sup>10</sup>

### **Criminal Law**

#### **Garda Response**

There is a need for the Gardaí to clarify their procedures for women reporting domestic violence. The women who contributed to this research have identified some practical steps that could be taken to make the process of reporting less daunting:

- Women need access to a named Garda in each garda station specifically trained in dealing with all elements of domestic violence
- The Designated VAW Inspector should ensure that all Gardaí in the Division have regular training and have a clear understanding of domestic abuse and Garda policy and practice
- The Designated VAW Garda Inspector should also ensure that call-outs and outcomes are recorded and consistently monitored to ascertain whether recommended practice is being followed
- There should be a facility in all Garda stations to report incidents in private rather than current practice where women are often required to make such reports in public view in the Garda station. A notice should be displayed at the reception hatch indicating that a private interview space is available on request.
- When responding to a call-out to a house, Gardaí should be fully informed on all previous call-outs, reports and any Orders in existence under the domestic violence legislation. Systems should be in place to facilitate this e.g. adapting the Pulse System to provide this information.

#### **Proactive Enforcement**

When called out to a house, Gardaí should listen to the woman and make an informed risk assessment as to the woman's safety.<sup>11</sup> The woman's views on her own safety need to be taken seriously. If the Gardaí consider that the woman is unsafe, they should have powers of arrest and be able to take the accused out of the house.<sup>12</sup> Where the accused is arrested and charged, station bail should only be granted where the Gardaí are satisfied that there is no threat or risk to the victim. Where Gardaí are not satisfied that this is the case, special court sittings, if necessary, should be held.

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<sup>10</sup> The ultimate sanction against non-compliant ex-partners for non-payment of maintenance was imprisonment. This was overturned in the McCann versus Monaghan Credit Union on June 18<sup>th</sup> 2009 when Justice Laffoy ruled that imprisonment for non-payment of debt was unconstitutional.

<sup>11</sup> Key indicators of risk include physical injury; whether or not a weapon has been used, a threat to kill or threat of suicide has been made; or whether or not the accused has serious alcohol or drug addiction problems.

<sup>12</sup> See National Domestic Violence Intervention Agency report (2007) for detail on risk assessment tools and check lists that could be used.

This would allow conditions of the bail to be issued. This gives the woman time to determine what she will do next e.g. access crisis accommodation, give evidence or apply for an Order under the domestic violence legislation.

Legislative change may be needed to enable more proactive intervention by Gardaí. In order to determine whether or not Gardaí need additional powers of arrest, call-outs by the Gardaí need to be monitored. To enable accurate data to be obtained, a monitoring process could be piloted in each of the 8 regions, in consultation with the Gardaí.

#### **Information and Linking to Support Worker**

Following a Garda call-out, Gardaí should always inform women of the VAW support services available. There should be protocols in existence between the Gardaí and VAW specialist services so that Gardaí can contact support and advocacy services and inform women of the option of availing of services. The applicability of the practice in other jurisdictions, whereby the opportunity is created for specialist VAW services to link with women while their abuser is under arrest, should be explored.

#### **Criminal Justice Response and Court Proceedings**

It is the experience of women interviewed that few domestic violence cases reach the criminal courts. There is a need to undertake monitoring in the Mid West region to determine why some cases do not proceed to the criminal courts and the outcomes of cases which are processed by the criminal courts.

Criminal law needs to be reformed to allow the history of violence of the accused or the danger the accused poses to be brought into court proceedings. Proceedings should not be based on once-off incidences. Judges dealing with criminal law cases need to impose sanctions appropriate to the seriousness of domestic violence offences, and sentences should not be based solely on previous convictions. A report from the Probation Service should inform sentencing as the legal sanction imposed must deter the accused from committing further acts of violence.

#### **Children**

Children's voices need to be heard in court. There is need for a court-based service to be available to provide expert and impartial advice to the family law court on the needs and views of children and how violence is impacting on the child. However, the specialist needs of children and the particular interview skills required will need to be taken into account.

Some children need on-going access to counselling, play and art therapy by professionals that have expertise in dealing with domestic abuse.

#### **Accommodation**

There is need for a clear policy giving women who are leaving abusive relationships an entitlement to be listed on local authority housing lists and to be eligible for rent allowance in the private rented sector. The Garda clearance needs to be fast-tracked for women who are experiencing domestic abuse and need local authority accommodation or accommodation in the private rented sector.

Models of ‘safe housing’ developed in other jurisdictions should be examined to assess their applicability to the needs in the Mid West.

### **Supplementary Welfare**

Protocols need to be in place to ensure that applications from women experiencing domestic abuse for supplementary welfare benefits and exceptional needs payments are prioritised and sympathetic responses made to all such women. The application of the recommendation below on regular screening for domestic abuse would assist this process by identifying where domestic abuse is an issue.

### **Social Work Service**

Social workers need a consistent understanding of violence against women and protocols should be in place for effective referral to rape crisis centres, specialist domestic violence refuge and outreach support services and other appropriate services. Social workers also need training on how to handle abusers as a large proportion of their caseload concerns domestic abuse.

### **Anonymous Complaints Procedure**

Women would like an anonymous process where they could make complaints if they feel that a service, such as the Gardaí or the Community Welfare Service, was providing an inappropriate response. However, this option would problematic as it is difficult to effectively investigate a complaint where the complaint is anonymous and the specifics are not clear.

However, the Garda Confidential Number can be used. In addition, the role of advocates in supporting women to make complaints could be proactively developed and complaints procedures reviewed to eliminate barriers which might inhibit the complainant.

### **Disabled Women**

While the common experience of domestic and sexual abuse shared by all women who are violated is acknowledged, it is recognised that abuse of disabled women has particular complexities. It can be particularly difficult for a disabled woman to leave home e.g. if the abuser is her carer, if she is not mobile or if she has had her home adapted. It is important that there be on-going consultation about disability equality, with an emphasis on how services can ensure equal access and equal outcomes for women with disabilities. This process should involve women who experience different forms of disability, including physical disability, sensory and intellectual disability and examine:

- The nature of the abuse experienced by disabled women
- Help seeking strategies of disabled women who experience abuse
- Response of services
- Effective practice models of providing support

Careful consideration needs to be undertaken on how the consultations are carried out and a person with a disability who has expertise in the area should be part of the team carrying out the consultations or be appointed as a special advisor to the project.

### **Migrant Women**

Victims of domestic abuse, who are on dependent visas from outside the EU, experience particular difficulties. It can be argued that current policies in relation to non Irish nationals can significantly undermine the safety of women in domestic abuse situations as their status in Ireland is often dependent on them remaining with the violent partner.

There is a need to review current policy that requires particular women to be solely dependent on their partners. A mechanism needs to be created that allows such women who are victims of domestic abuse to be given temporary full independent status while they recover and assess their situation. Access to the labour market, social services and medical services that does not require the co-operation of their abusive partner would prioritise the safety of such women and any dependent children.

### **Traveller Women**

Traveller women need to be central to designing VAW support services for Traveller women. In this context consultation which is Traveller-led should be undertaken to:

- Identify safety options for Traveller women in addition to refuge, for example Safety Orders
- Identify strategies to work proactively with Traveller women to promote their general use of domestic abuse services, over and above their use of the refuge at times of crises;
- Examine the long-term options for Traveller women seeking to leave violent partners

The proposed consultation should also explore a number of other suggestions put forward by the two Traveller women interviewed. These include:

- Developing a positive employment policy relating to the employment of Traveller women in VAW support services and to develop the capacity of Traveller women in order for them to be able to seek work.
- Piloting a support group for Traveller women
- Piloting a counselling service for Traveller women
- Resourcing Traveller men to develop strategies to challenge male violence against women and children

There is also a need to:

- Ensure that Gardaí are trained in the specific issues encountered by Traveller women who experience domestic violence
- Ensure that all who work in support services for domestic abuse are trained in Traveller Cultural Awareness

### **Inter Agency Collaboration and Monitoring**

All relevant statutory agencies (housing authorities, Health Service Executive (HSE), Probation Service, Gardaí, Court Services) should have specific policies, protocols and procedures on violence against women, which are practical and sensitive, to assist staff to recognise, respond and refer appropriately. Victim safety must be central to

policies and interventions. The safety of practitioners also needs to be taken into consideration.

As well as a more effective response from individual agencies, there is need for greater integration of service delivery across and between agencies. There should be structured links between services to facilitate synchronisation in an appropriate and timely manner to maximise the safety outcomes for women and children i.e. support services need to be highly coordinated with the Gardaí and the criminal law courts. The nature and risk factors associated with particular incidents of violence needs to be shared between agencies so that the protection of women and children can be maximised.<sup>13</sup>

The applicability to the Mid West, of models of interagency working developed in other jurisdictions, should be explored. An example of this would be the Multi-Agency Risk assessment Conferences (MARAC) in the UK which promotes a proactive interagency approach to the safety of women and children.

Screening for domestic and sexual abuse should form part of the assessment process of frontline staff dealing with the public. All frontline services should be proactive in documenting information which might provide evidence of abuse (e.g. medical evidence of bruises), and have procedures in place to facilitate the gathering of such documentation, if and when an application for legal protection is being pursued.

As well as monitoring the criminal justice response (outlined above), there is need for on-going monitoring of the responses of other individual agencies and across agencies to identify what is working well, as well as what is not working well so that practice, policy and procedures can be improved and their effectiveness maximised.

### **Training**

Where professionals fully understand the dynamics and complexity of domestic abuse, their capacity to recognise, respond and refer appropriately is significantly enhanced. Training is central to this understanding and, in conjunction with appropriate policies and protocols, contributes to ensuring the safety of women and children and the accountability of perpetrators of abuse.

Training in relation to violence against women should therefore be a mandatory element of in-service training for staff in the community, voluntary and statutory sectors, especially frontline staff who are involved in needs assessment and screening. Training needs to be ongoing, recognising the turnover of staff and the “fade out” effects of training after a period of time. The training needs to recognise the diversity of all women in contemporary society including, but not limited to, ethnic, cultural, socioeconomic, sexual orientation and ability differences.

### **Perpetrator programmes**

Perpetrator programmes should be reviewed on a regular basis and outcomes monitored to ensure that they are in line with best practice e.g. in terms of recruitment and programme delivery.

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<sup>13</sup> An important reference in carrying out this work is the *Report by the National Domestic Violence Intervention Agency (NDVIP) 2007*.

### **Use of powers in existing legislation**

The *Domestic Violence Act 1996* does not always provide the protection required in relation to domestic abuse. However there is other legislation such as the *Non Fatal Offences against the Person Act 1997*, Sections 3 and 4 of which may provide an alternative route to legal protection, where necessary. Gardai should be well informed on the possibilities this legislation provides and be proactive in informing women of the appropriate options.

## *Women's Views on Specialist VAW and Public Sector Services*

This chapter, which is qualitative in nature, is based primarily on first-hand accounts from survivors of domestic abuse. Consultation was held with 53 women by way of focused group discussions or individual interviews. All women were resident in Limerick, Clare or North Tipperary. In addition three case studies were developed on the experiences of immigrant women from outside the EU who had experienced domestic abuse, to illustrate the immigration-related difficulties and uncertainties these women encounter.

### **1.1 The Dynamics of domestic abuse**

Women made the point that how violence is understood has crucial implications for service responses and legal decisions made about women's lives. Public sector service providers need a greater understanding of the realities of physical, emotional and sexual violence, from the perspective of women who experienced violence in intimate relationships.

Women highlighted the persistent, systematic, severe and controlling nature of the violence that women experience. The violence involves obsessive and prolonged control, not a once-off incident, with the intention of men to maintain control over the thoughts, actions, feelings and bodies of women. Women told of:

*Obsessive jealousy*

*Being locked into an apartment for repeated and prolonged periods of time*

*Obsessive tidiness*

*Rape and sexual violence*

*Sexualised violence and being forced to act out pornographic images*

*Isolation from friends and family*

*Throwing plates and furniture around the house*

*Being urinated on*

*Having your face rubbed in piss*

*Multiple bruises and broken bones*

*Being called names and being humiliated*

*Forced to hand-over wages*

*Having no access to the bank card*

*Abuse during pregnancy*

*Loss of consciousness*

*Having one's head shoved into a gas oven*

*Threats to women when they attempt to leave*

*Threats by the man to kill himself*

*Death threats to the whole family*

As well as physical violence, women told of the psychological violence used as a tactic to destroy the woman's sense of self:

*Mine was low-level everyday violence .... The talking down, being told you are useless, stupid, a shit driver, nothing without him ..... A friend of mine gave me a list of questions, which were indicators of domestic abuse. My answers made me realise that I was in an abusive relationship.... I was very upset. I burst out crying*

*If he (husband) had laid a fist on me, I would have walked out immediately. The anger, threats, verbal abuse, I thought I had to deal with them, make sure everything was running smoothly. I was trapped. I was married for 33 years and did not realise it was abuse*

*I did not know that what I was experiencing was domestic abuse. I thought that you would have to have your legs broken before it was considered domestic abuse*

*Letting the pressure out of the tyres of your car, being called names, nasty phone calls, ringing up the employer.....*

Several women outlined that sexual violence can be an integral part of domestic abuse:

*He was always complaining that his sexual needs were not met. I felt that because I was in his house that I could not say 'this is not acceptable'. I ended up in hospital and the doctor said 'sexual abuse is a hurtful thing' and she gave me the number of the service (support service). I thought that I would have to have a black eye before I could access such a service. Then I realised what I had been experiencing was a form of domestic abuse*

*He was into pornography, sick stuff. It was disgusting what he wanted me to do to him*

*I was badly raped by him. The rape continued. I began to lose myself*

*He had huge sexual disorder. He has an obsession for porn. I became the fantasy for the women he wanted*

Women talked about the manipulative nature of many abusive men:

*They can be charming in public. People get taken in by them. They can suck in the professionals, making the woman seem extremely dysfunctional*

The total control over the movements of women was recounted again and again:

*He would come to my work every week when I was paid and take all my money*

*He had the only key to the apartment and would lock me into the apartment when he went out*

*If I stopped to talk to someone in the street there would be murder*

*I was not allowed to answer the phone*

The control often extends to the children:

*When my daughter came in from school, she was not allowed out again*

*He used to make the children eat their dinner no matter whether they wanted to or not, saying 'you little fucking prick, eat your dinner'*

Abusive men control women through threatening to have their children taken away from them:

*He (ex-husband) said that he would have the children taken away, that he would have me signed into 5B (psychiatric unit). I was suffering from depression at the time*

Special occasions can be a nightmare for women:

*I hated occasions – confirmations, communions, birthdays.... Something always upset him. On father's day, I brought the lunch to him. There was no salt or onion on the plate. He threw the plate at the wall*

One aspect of being controlled is that the controlled person often perceives her life experiences from the perspective of the controlling person:

*They tell you that you are no good, that you are crazy. You are made to feel so inadequate*

*Men have convinced us that we are crazy. They have convinced us that we are bad mothers. They have convinced us that we cannot do anything. Prolonged violence can lead women to feel helpless*

*You think that it is your fault that he is behaving like he is*

Not only are women made to feel inadequate, but are made to feel responsible for the man's abusive behaviour:

*Women feel responsible and it is their problem to sort out the man. They are brought up to sort out everyone else's problems*

One woman noted that violent men act out their feelings of inadequacy and anger in and through women:

*What I began to realise is that women were carrying men's pain and baggage....*

Women told of the silencing effects of domestic abuse:

*You learn to say nothing. It is like walking on eggshells*

Women told of managing the violence:

*You learn to keep things calm around him*

*You must not provoke his anger. You are in fear*

Some women minimise the impact of violence as a coping mechanism:

*You minimise the impact that the violence has on you. I was covered in bruises but did nothing. What was I to do?*

Family and friends (see section 1.3) can also minimise and deny the violence:

*I told my sisters. They did not want to hear it. They pretended it was not happening*

Abusive men tell women that they will not be believed:

*My husband was very respected in the area. I was afraid that if I went looking for help that I would not be believed*

*My husband drinks with the Gardai. He (my husband) threatened me that they (the Gardai) would not investigate it (the violence) and no one else would either*

Control is exercised through malicious rumours:

*I was turned down for a job as he told them (potential employers) that I was into prostitution and drugs*

Fear that the violence will escalate prohibit many women from seeking help:

*He said 'the only way you are leaving me is in a box'*

*He said that he could have me killed at any time. I could get you taken out of here and no one would find you*

For other women fatal threats and severe injuries can lead them to seek help:

*When he threatened me with a knife, I said 'enough is enough'*

*The A and E Department put a list of my injuries over a five-year period up on the screen (computer screen). There were bruises, fractures and broken bones. I said to myself, 'This is me. It has to stop'*

Women described how following prolonged violence and recurrent visits to psychiatric hospitals they made decisions to seek help:

*I knew that this was no good. I knew that I had to face life and get to the root of the problem (violence)*

*I saw the ads all over Ennis. Then eventually something clicked in me as I said to myself 'there must be something better than this. I deserve better'. It is a big thing to walk in and ask for help. It was the hardest thing I ever did was to walk away*

Some men are so violent that it is virtually impossible for the courts or police to protect women. Women in such situations can be left without much choice other than to live *incognito* with a changed identity. In two cases women told of being forced to move out of their country of origin to ensure their safety.

Lack of an appropriate and sympathetic response can leave women in violent situations for prolonged periods of time:

*It took twelve years before I got the right response*

*It took me 22 years to get to that place (a service that gave an appropriate response). By that time my life was so small and revolved around the supermarket, house and school-run. During all of this time nobody was there for me*

*I was 19 years in a violent relationship before anyone said to me 'This is not your fault'. There is help out there*

A minority of women who participated in the study are still living in abusive relationships and for a variety of reasons are reluctant to leave:

*It is the fear of the unknown. He has total financial control. If I left it would be three months before I would get the Lone Parents Allowance. I would like to see how women come through when they leave*

*I am still living in the same house as my husband. I tried to leave before but I got ill. When I got out of the hospital I went back to the house. There is need for a support group for women living in abusive relationships*

Some women are not ready to seek help from specialist VAW services:

*You are not ready to leave. You are not ready to go to the services even though you know they are out there. You put up with it. You put it down to his family*

*background. You are afraid of the unknown. How will I survive? Is it right for the children to grow up without their father?*

Women told of the stress, debilitating impact and anxiety-related health consequences of violence. These included irritable bowel problems, kidney problems, stomach cramps, migraine, insomnia, weight loss and depression. One woman told how she collapsed at work, ended up in hospital and the social worker referred her to a specialist service.

Financial constraints and lack of appropriate accommodation (section 1.3.5) are key challenges for women leaving abusive relationships.

Women felt strongly that there is need for a campaign on local radio, television and local newspapers, which targets women who are and have experienced violence. This campaign should promote a clear understanding of the realities of violence as women experience it, including mental abuse, psychological and sexual violence. The following are some of the questions, which women felt, should be asked:

- Have you a say over the money?
- Are you allowed to have your own thoughts?
- Are you sexually coerced?
- Are your movements continually monitored?
- Are you always wrong?

There should be a leaflet with self-administered questions, which indicate the presence of domestic abuse, as well as information material on local services. The fact that violence against women is unacceptable behaviour and a violation of human rights needs to be highlighted. Women's support groups need to continue to advertise their services widely in doctors surgeries, Garda stations, hospitals and hotels and make it clear that women still living in abusive relationships are welcome.

Women would like a booklet published on their rights under domestic violence legislation, how to make a complaint to the Gardaí and their entitlements to Supplementary Welfare when fleeing domestic abuse.

Women would like an anonymous complaints procedure where women can make complaints when they feel that the responses of services such as the Gardaí or the Community Welfare Service are inappropriate.

Women made the point that making a decision to leave is the beginning of a long process with many obstacles. It raises issues of financial viability, access to accommodation, access to a safe home, prolonged and repeated court appearances and in some cases Garda involvement, and all of this while one is coming to terms with the debilitating emotional, sexual and physical impacts of the violence.

Violence against women needs to be addressed in schools. There should be talks, discussions and programmes in schools indicating that young people do not have to endure controlling relationships and that no-one has an entitlement to physically, emotionally or sexually control another individual.

## **1.2 Specialist VAW Support Services**

Specialist services play a critical role in helping women to redefine and explore the experiences of violence:

*The worker said, 'This is abuse, this is a crime, it is not your fault'*

*It is such a relief to be able to talk about it...that you are believed*

*They (support worker) understand immediately. They can even finish the sentence for you. I was asked 'When did it start?' When I said 'When I got pregnant', the reply was 'This is typical of what many women experience'*

*They (support worker) react with speed. They understand immediately what you are saying and ask if you are ok. To know that someone cared meant everything*

Redefining and understanding the violence is an empowering process for women:

*From then on (after accessing support service) I started believing in myself again. It is about taking back your power*

*My story connected with other women. I saw that I was not alone. This gave me strength*

Women highly value the skill, sensitivity, support and information provided by support workers:

*She (the support worker) got me up and running straight away. I was over to the court applying for a Court Order. It put the wind up him when he was served with the Court Order*

*She (support worker) helped me to organise maintenance, rent allowance and a medical card*

*You are in such a didder you do not know what to do. She helps with all the professionals, links you into services and most importantly accompanies you to court*

As well as the information and expert knowledge, women appreciated the care shown by support workers:

*They (the specialist project) are like my guardian angel*

*They came with a hamper and toys. That first Christmas I had nothing. I had been very isolated. It was great to know that someone cared*

Women valued the emphasis on safety and information on how to protect themselves and their children. It was felt that access to a safe secure refuge or safe house is an essential part of a crisis response to women at risk. Some reservations however were

voiced about the appropriateness of crisis refuge accommodation for young children<sup>14</sup>:

*Given the high security nature of refuges, I don't think that it is appropriate place for children, as children are frightened where doors were continually locked.*

A small number of women from marginalized working class communities felt silenced and disempowered in their interaction with some specialist VAW support service providers:

*I don't feel listened to half the time. I feel a panic attack when the support worker talks to me. Many of them are young...We have no say in decision making*

Some women living in North Tipperary highlighted the need for a refuge in North Tipperary, while other women did not think that this was necessary as refuge places can be accessed in Ennis and Limerick City.

Women noted the important role support groups and educational groups play:

*You are listening to other women telling their story. You realise it is not only you. You are not alone. It is happening to other people*

*You can talk about the awful things that happen, like being spate at into your face, like him going to the toilet on me, like being put down all the time*

*I learned that basically I was a strong independent person, but was bullied for years*

*For years I had dealt with the violence as if it was happening to another person. From the group I began to feel and accept that it was happening to me*

Many women stated that woman-centred counselling was an important resource as it helps to bring to consciousness the realities of violence:

*Counselling turned my head around. I realised I was not to blame. Counselling helps you to peel away the layers of hurt*

*Counselling helps to externalise how you feel and not allow the feelings to fester in your body*

Some specialist services provide counselling free of charge. However, there is a long waiting list up to three months for counselling in some areas. Private sessions can cost up to €60 an hour.

It is almost impossible to envisage a time when there were no services such as refuges, family courts or support services available in the Mid West region. However, one woman who left a violent relationship 35 years ago noted the significant changes

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<sup>14</sup> The experience of this woman is not confined to refuges in the Mid West Region.

that have taken place. She commented in particular on the existence of family courts, which are now held in private:

*It was all held in public and all over the local newspaper. There were no such things as Barring Orders. There was a great stigma. It was as if I had done something wrong*

She also reflects on the fact that recovery can be a long and difficult journey:

*You never get over it. The terror lives with you. I am still looking over my shoulder. I am still frightened of men, pure nervous of them*

### **1.3 Public Sector Services**

Despite major transformations in public sector services, women experience public services as patchy, with practitioners often lacking expertise on how to respond to the violence.

#### **1.3.1 Medical Services**

A significant proportion (36 per cent) of women who attend the surgeries of General Practitioners (GPs) experience domestic abuse and the GP is the most likely person following a family member or friends to whom a woman will disclose violence (kelleherassociates and O'Connor 1995). Yet, only 12 per cent of women reported that they had been asked by the GP about violence (Bradley, Smith, Long, O'Dowd 2002). The unevenness of the capacity of GPs to identify and give an appropriate response was repeatedly noted in the present study:

*One doctor asked the right questions and showed he understood. He referred me to a service, which was very helpful*

Others GPs are not so helpful:

*My GP said 'I do not know anything about that sort of thing and referred me to the Citizens Advice Bureau, which was very helpful. They told me all about rent allowance and other entitlements*

*The doctor said 'We cannot have this' and put me on anti-depressants. This affirmed what he (ex-husband) was thinking that I was the crazy one*

*I went to my GP to report bruises. He wanted to be supportive, but was not sure how to go about it. He kept looking at the floor. This made me feel uncomfortable*

*My GP was fantastic, but he referred me to the wrong place. He referred me to couples counselling. Here I was asked 'Was it your own fault' and I was made to feel that it was my fault. At this stage I had been beaten and raped and my father had said to me that if I did not get help that I would end up in a black bag. The rape and beatings continued*

Women spoke of the uneven responses of hospital staff, with some staff indicating that the woman is to blame. One woman was asked:

*Did you provoke it?*

Women noted that it is not sufficient for medical personnel to be able to identify domestic abuse as an underlying issue. They also need to be able to listen to women and to have information on specialist services. This is not always the case:

*My GP said 'He is going to kill you, leave, leave, leave'. He (GP) could not get through to me. I needed to hear 'It is not your fault. I know a service that can help you to work through your decisions'*

#### **Couple Counselling and Family Therapy**

It is now generally considered in the international literature that couple counselling and mediation cannot affect safe solutions for women and children where there is domestic abuse as they make an assumption about shared blame and may place the woman in greater danger. Women spoke of the negative experiences of couple counselling, with counsellors ignoring the violence and allowing men's dominance to continue. The focus was put on the inadequacy of women rather than on male violence:

*My husband would keep saying in these sessions 'She is not coping'. We went to three different counsellors. The violence was never brought up. I was made to believe that there was something wrong with me*

One woman told how her husband's violence was acknowledged by the counsellor, who was shocked. The session however, was spent discussing "helpful" interventions, to calm her husband down, when he releases his anger. This again was felt to place the responsibility on to the woman, rather than challenging the abusive behaviour of the man.

One instance was reported where the mother was engaging in family therapy with her children. The ex-husband made an application to the court that he should be allowed to participate in this therapy and the application was granted by the court. This decision was considered totally inappropriate by the woman, as her ex-husband, who was an abuser, was provided with further opportunities to abuse the woman and children.

#### **Mental Health Services**

Women talked openly of their experience of the mental health services. A common experience was that symptoms such as depression were responded to, without identifying that the underlying cause was the violence. Being under the care of a psychiatrist or psychologist in turn is used by abusive men against women to threaten to have their children taken away from them. As with couple counselling, this response implies that women are the agents of their own victimisation:

*I was full of anxiety having experienced years of violence. I ended up in St... for three months. No one spoke to me about the violence. I got drugs and sleeping*

*tables and when I got back home, I could not handle it. I ended back up there for another three weeks. I had fists full of tablets*

Women talked about the manipulative role, which abusive men can play in relation to women's psychiatric treatment:

*My husband sat beside me and told me what to write down when I was filling out the form when they were taking me in. He drove up in the snow when the roads were treacherous. He charmed the staff..... They (abusive men) 'groom' the professionals, who get sucked into believing them*

*My husband used to come with me to visit the consultant (psychiatrist). He would sit there holding my hand. One time he was unable to come with me and for the first time, I was able to talk about the violence*

One psychiatrist, who was aware of the abuse, indicated that the woman was to blame:

*What would your life be like if you were not with your husband? I doubt if it would be transformed, if it would be much better*

Women outlined instances of appropriate responses. In one case, the GP arranged an immediate appointment with a child psychiatrist for the woman's son who was ten years old, and had witnessed his father's prolonged violence:

*The psychiatrist was fantastic. She sent for the father immediately and said that she would have to inform the Social Services. My son attended her for 12 months. She referred me to a support service that verified to me that I was not going nuts. They helped me to work on the issues and to come to a decision to get him (her husband) out of the house. The fact that the Social Services were notified put the wind up him*

One woman who was suicidal recounted how she received a very sympathetic and appropriate response:

*I tried to commit suicide and ended up in hospital. The nurse was brilliant and brought me to ADAPT*

In one instance, the husband's psychiatrist made contact with his wife and offered her advice:

*He said that my husband was a dangerous, manipulating man and that I should apply for a Safety Order. He (my ex-husband) told the psychiatrist 'I have raped my wife, sort me out'. The psychiatrist was shocked*

The mental health consequences of domestic abuse for children can be immense. Women told of children attempting suicide, abusing solvents, attempting self-harm and of eating disorders:

*My daughter tried to kill herself. I found her with a tie around her neck*

*My daughter used solvents to kill the pain – ND40, deodorants, after shave, anything*

*My son tried to commit suicide*

*My daughter was cutting herself*

*My daughter coped with the pain by restricting her weight. I realised that she had an eating disorder*

Some children need on-going counselling, art therapy and/or play therapy as a direct result of abuse. However, there is a waiting time of up to eight months for counselling in some areas, and play and art therapy is not widely available. By the time the child can access these services, their difficulties are likely to have increased significantly.

### **1.3.2 Social Work Service**

Women are aware that the social work service, which traditionally was a family support service, is now primarily focussed on responding to child protection cases that are concerned mainly with the physical abuse or neglect of a child. Despite this, some women had very positive experiences of social workers:

*I find social workers excellent. They should be listened to more in the courts*

*The social worker was great. She made me feel at ease. She was thorough. She made a report back to the court on the violence in the family and the impact this had on the child. On the basis of this, he (the partner) was refused access*

Other women experience the social work service as threatening and intrusive, with little support to offer women who have experienced violence. They fear that they will lose their child through child protection procedures, and that social workers do not have the expertise to deal with violent men. Women often feel blamed and feel that the burden of proof is on the woman to prove that she is a good mother.

Some women feel threatened by social workers:

*You feel like a bad mother if your husband is abusing you*

*My fridge broke. I was terrified that the HSE would come in and see that I had no fridge and think that I was a bad mother. I had no money but borrowed from the credit union to buy a fridge*

*He (her husband) reported me to the HSE social worker. There is a burden on women to prove that they are good mothers, but very little support is offered.*

*She (social worker) looked in the cupboard and fridge. I was told to take the child to the GP. The GP confirmed that the child was ok*

There was a view put forward that HSE social workers need a consistent understanding of violence against women and that protocols should be in place for effective referral to rape crisis centres, specialist domestic abuse outreach and support services and other appropriate services.

The view was put forward that, rather than a Supervision Order<sup>15</sup> imposed on the family which casts doubts on the capacity of the mother to parent, the HSE should apply for a Safety Order, under Section 6 of the Domestic Violence Act 1996 against the abusive man to protect dependent children.

### **1.3.3 Civil Law Proceedings**

Women who have been subjected to domestic abuse have recourse to the civil law proceedings, which are held in private, as well as making a complaint to the Gardaí and having the offender prosecuted under criminal law (see 1.3.4). Civil proceedings at district court level are administered in 22 district court districts. One judge is permanently assigned to each district except in Dublin and Cork, where the volume of cases requires the permanent assignment of a number of judges.

In civil law proceedings, violence in intimate partner relationships is part of the general area of family law. Protection can be granted under four court orders at district court level (Appendix A). In addition access and maintenance cases are dealt with by family law courts.

While women stated that many judges are courteous, family law courts can be a bewildering place for women seeking redress. Women experience delays in getting cases heard and court lists can be over-crowded with many of the difficult cases being left until late in the afternoon when judges are often tired and fatigued:

*The set-up is desperate. I was waiting until 4pm. Then it was adjourned*

Women reported court facilities generally to be inadequate, with, in some cases the ordinary courts being cleared to hear family disputes. There is a great lack of privacy in the waiting area with both parties to the dispute being in close proximity of each other. In some cases, court proceedings can be over-heard from the hallway.

Because initiating legal proceedings is difficult and daunting for women, the court accompaniment service is an important support. Women are often stressed and intimidated by court process:

*It is a scary place to be. You feel like you are on trial. It is distressing going to court. It is scary. You can come across very incoherent. Having someone with you is a great help*

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<sup>15</sup> A Supervision Order can be applied for under section 19 of the Child Care Act, which authorises that the child be visited periodically to see if the welfare of the child is being promoted.

The manipulative nature of many abusive men means that these men can perform and present well in court and there was a general view that many of these men are confident and in control in a court situation:

*They love the attention of the courts. They come across as being very together. This feeds into the type of person they are. They get a kick out of it*

*They promise the sun, moon and stars in front of the judge*

Some judges see through the men:

*He tried to dominate the judge, but the judge would not have it. He ordered him out of the house for breach of the Safety Order. In reference to the fact that he (ex-husband) threw a dinner plate at the wall, the judge said 'I see that the menu was not right for you'. I felt for the first time that I was getting the upper hand*

Being accompanied to the court by a support worker is highly valued by women, as is the waiting room made available to one support service by one court:

*It is brilliant to have room and to have the tea while you wait. It is relaxed and informal. You are so anxious. You get sick in the stomach. I was waiting from 10am to 7pm in the evening and then the case was adjourned and did not go ahead. I have to pay a baby sitter when this happens. If I had not got the support, I would have gone out of my head*

Legal Aid is subject to a financial eligibility test of an annual disposable income limit of €18,000. Women's assessment of solicitors acting under the legal aid scheme varies, as does their experience with private solicitors. If not eligible for legal aid, legal costs can be substantial. One woman who was seeking a Maintenance Order and legal separation explained:

*I was asked for €5,000 up-front. The total cost would be in and around €15,000*

Costs however can be much greater than this.

### Access

Prolonged access battles are common tactics used by abusive men to cause difficulties for women and children. Women interviewed were aware that judges make decisions in access cases taking into consideration what judges perceive to be "the best interests of the child". Women felt however that "the best interests of the child" is generally interpreted by judges that the child has the right to have access to both parents, and the concerns of women about the violent behaviour of the man is usually ignored. However, as women interviewed see it, while granting joint access might be a reasonable assumption in relationships where violence is absent, joint access when domestic violence is present ignores the gender power dynamic, which operates in abusive relationships and women in these situations often face renewed violence.

The point was made several times that some courts dispose of access cases where domestic violence is a factor as if they are marital disputes or arguments and it can be very difficult for women to bring the violence to the attention of the court:

*You need judges who understand the patterns of domestic violence and who can distinguish this from an incident of marital discord. The judge said to us on several occasions: 'I cannot deal with this. You are damaging your own children because you are not communicating. Sort it out yourselves'. The violence was not dealt with and I felt powerless to bring it up*

*I had a history of being thrown down the stairs, but this did not come into the court case when deciding access*

Granting joint access to an abusive man where very young children are involved is of particular concern to women:

*Children can be terrified. I have three children; the youngest is three years of age. The court ordered that we should each have the children every second week. The youngest child was terrified leaving me each week. He (the child) simply did not want to go*

This approach is unsatisfactory for women. Women felt strongly that in making access decisions, there is need to consider whether or not domestic abuse is present and in "the best interests of the child" the courts should take this violence seriously.

Some women who participated in this study had lost contact with their children. They recounted painful stories of struggling for some contact with their children. They told of men manipulating children and using bullying tactics to drive a wedge between them and their children. Women in such situations are made to feel as if it is their fault and that they are "bad mothers", and experience the additional prejudice that they must have done something wrong to have lost custody.

Access visits and the period during which children are being handed over to the father is a particular concern for women, when the father uses access as a way of continuing the abuse:

*He (ex-husband) has overnight access every weekend. I get sick at the thought of him coming to the house to pick up the children. One time my daughter was ill and could not go with him. He called the guards, which he regularly does.... Three guards came into the room where my daughter was resting to check out that she was unable to go with him (ex-husband). They saw she was not well.... She (my daughter) was distraught following this experience*

*He (ex-husband) locks the children in the room and he thinks that this is funny. The children are terrified. When he comes for them, they often say 'Daddy we do not want to go', but they know that they have to go. I could be summonsed for breaking a court order. Children have few rights. There is need for someone to speak to the children and let their feelings come out*

*He (ex-husband) does not really want them (the children) around him at the*

*weekends. He converted the attic and tells them ‘There is no need for you to come down’. They are not cared for and have hardly any adult company over the weekend. When I brought this up in the court, his barrister stated that this was just a ‘different way of parenting’. He is using the children to get at me. There is really need to hear what children think*

Women understood that in many instances judges are left in difficult situations trying to understand the family situation without adequate knowledge of the family context. Children can feel aggrieved about the impact of court decisions on their lives and it is likely that many children will be looking for compensation for inadequate interventions in years to come:

*My children will be highlighting their story in twenty years from now, just like the children who were abused in institutions*

A view was put forward that judges need to be supported by an independent person who would elicit the views of children and the extent to which the father of the child was a threat to the safety of the woman and the child(ren). The point was also made that there is need for provision for supervised safe access in designated centres.

#### **Maintenance**

Severing an intimate relationship may lead to changed economic circumstances and poverty for many women and children. Obtaining maintenance is highly important for keeping women and children out of poverty. Non-compliance with Maintenance Orders is a major difficulty experienced by women as abusive men use maintenance to continue the control and harass women. In addition, Lone Parents Allowance is assessed on the basis of the Maintenance Order that has been granted and non-compliance with the Maintenance Order puts women and children in severe financial difficulties.

Where a spouse fails to comply with a court order and does not pay the amount awarded, an Attachment of Earnings Order can be sought from the court if the person is in employment or on a private pension. When this happens it is the experience of women that many men discontinue employment so that they will not have to pay maintenance. One woman cited her ex-husband as stating:

*‘I would not work to keep a woman I am not living with’*

Attachment of Earnings is not an option for many women and they have to seek an enforcement summons against their ex-partner. This involves repeat journeys to the court. Some women never get paid the maintenance owed:

*The judge was very good and ordered my husband to pay maintenance for the two children. The payment was to be made to the Court Services Board. He paid a couple of times during the first year. Then he stopped. I felt that there was nothing that I could do. I lived on €5,000 that I had saved for the first year. I brought the case back to court and the judge in fairness said to him, ‘How come you can afford a new car, but cannot pay maintenance’. He was ordered again to make payments, but I still did not get paid the maintenance. They should not be able to get away with this*

Many men allow lengthy periods to elapse without making the payment and only make payments when the woman seeks court redress:

*He (ex-husband) allows up to five weeks to go by without paying anything, then when he thinks that I am going back to the court, he pays some of it (maintenance) up. Then it (non-payment) starts all over again*

Women feel that this cycle of non-payment of Maintenance Orders, which sees women repeatedly returning to court, needs to be addressed as the current system is essentially colluding with ex-partners in the perpetuation of the cycle of violence and causing extreme hardship to women. There is need for swift effective sanctions for non-payment of maintenance orders. The Court Services should assume responsibility for enforcing maintenance orders and there should be additional penalties imposed for breaches of Maintenance Orders.<sup>16</sup>

#### **Domestic Violence Orders**

Safety Orders and Barring Orders can be granted if women or children are perceived to be at risk (See Appendix). Many women spoke of the effectiveness of these Orders:

*When I got the Barring Order, he left and has not come back since*

Some women whose applications for Orders were refused were disillusioned with the family law courts:

*I feel that they (judges) do not understand domestic violence. They do not understand the psychic of violent men*

There was a general view that Barring Orders or Safety Orders are not granted when a woman pleads mental or emotional abuse:

*I did not bother applying for an Order. My solicitor said that I would not have much of a chance of getting an Order, as there was 'not much to go on'*

One woman who was granted a Barring Order for a year, applied to have the Order renewed and was refused:

*I felt that the judge was completely on the side of the man. He (judge) refused to renew the Order because I gave my ex-husband a lift home from a funeral. This was very unfair*

Many women were not in favour of the *in camera* rule, whereby court proceedings are held in private. They felt that specialist journalists should be allowed to report the proceedings without revealing the identities of either party. This they felt would help people to understand the realities of women's experiences.

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<sup>16</sup> The ultimate sanction against non-compliant ex-partners for non-payment of maintenance was imprisonment. This was overturned in the McCann versus Monaghan Credit Union on June 18<sup>th</sup> 2009 when Justice Laffoy ruled that imprisonment for non-payment of debt was unconstitutional.

Women felt that there was an uneven response from solicitors, with some solicitors having a firm grasp of domestic violence legislation. Other women felt that they were not provided with adequate advice.

#### **1.3.4 Criminal Justice Response**

Some women expressed positive views on the role of the Gardai and there was a general view that Gardai take court orders seriously:

*I had a Safety Order. They called to the house to see if I was ok*

Other women had different experiences:

*He breached the Barring Order three times before they (Gardai) arrested him*

One woman pointed to the contradiction between the civil law and criminal law:

*I had a Safety Order against him coming into the house. He used to come hanging around the house and looking in the windows. He was harassing me. The Guards said that I had let him into the house before this. I explained that I had to let him in to pick up the children, as there was an Access Order in existence. The Guards shrugged: 'Work it out yourselves'*

This response implied that the woman was a guilty participant and brings into focus the inconsistency between civil law and the criminal law. Under criminal law it was an arrestable offence in this instance for the man to be near the house. To comply with the Access Order under civil law, however, the woman was obliged to allow the man to break the conditions of the Safety Order. Notwithstanding this however, the woman claimed that the presence of the man in the vicinity of the house remained an arrestable offence and the man should have been arrested.

A case involving a breach of a Barring Order is generally held in the criminal courts, which are open to the public. Several women raised this as an issue:

*This was a private matter, but it was spread all over the local newspaper. No media should be allowed into the court. Also, the case dragged on, as the Gardai kept asking for adjournments*

*It was held in open court. I was put on the stand and cross examined by his solicitor. There were people in the court that I knew. It was very demoralising*

Where there was not an Order in existence under domestic violence legislation, many women felt that the incident was not taken sufficiently seriously and were extremely upset about how the case was handled by the Gardai when they called to the house:

*The Gardai were useless. They never once took him away out of the house. They used to bring him into the kitchen and talk to him*

*We were advised to lock ourselves in the bedroom. They would not take him away. They (men) should not be allowed to get away with it (violence)*

*One time I was black and blue, but they (the Gardai) did not ask to see my injuries*

*The GP was called. He (ex-husband) was drunk and he fell. The GP told the Gardai not to let him back into the house, as he was dangerous. The Gardai came back later and tried to persuade me to let him back in. It seems to me that the Gardai are protecting the men. They pretend it (domestic abuse) is not happening. This makes me feel that I am the one to blame*

These women wanted the abusive man arrested and taken out of the house as they felt unsafe and in real danger. The actions of the Gardai in these cases had a chilling effect on the women who felt unprotected by the law.

If a Barring Order is not in existence, Gardai generally require that the woman makes a statement and agrees to participate as a witness for the prosecution. Some women felt that there is great pressure on them to make a Statement:

*The job is not done unless they get a statement*

Women however made the point that making a Statement and giving evidence, while the man is still living in the house can place women in great danger. Women were of the view that there is need for the Gardai to have increased and explicit powers of arrest where they are of the opinion that the woman is in danger:

*They (the Gardai) need more stringent powers to arrest and need to hold the man overnight*

The importance of holding the man until the next court was emphasised by one woman who felt severely threatened when her husband was released:

*They (the Gardai) arrested him for breaking up the house, kept him in the Garda station until he had sobered up at 5am and then released him. He (ex-husband) returned home shouting and roaring causing further damage. The Gardai returned and arrested him and held him until the court hearing*

The woman involved considered this approach satisfactory. Her husband was arrested and held until the next court day. She cannot understand why this approach is not routinely adopted.

One woman whose son was abducted by her husband was distraught by the response of the Gardai and she felt that the Gardai should have entered the house and taken her son out of the house:

*He (ex-husband) was not stable. He took the child away and refused to let me see him. He was mentally unwell. I was afraid that he would kill himself and the*

*child. The Gardai did nothing. They said that there was nothing they could do. I believe that they could have gone into the house and taken the child back<sup>17</sup>*

Several women stated that their husbands were friendly with the Gardai, and were of the opinion that for this reason the Gardai did not take action against their husband when a complaint was made.

Women understood the importance of having their complaints logged and on record.<sup>18</sup> However, women were sceptical as to whether call-outs were logged adequately as some Gardai mistakenly identify domestic violence as a family dispute. Also, women are unsure if a complaint made in a Garda station is automatically logged unless the woman specifically states, ‘I want to make an official complaint’. They are also unsure how long records are kept and if a complaint has to be verified and the accused party informed. Informing the accused party can in some instances put the woman’s safety at risk.

Inadequate recording means that Garda records are incomplete. Women emphasised the need for women to keep a record of the date and time of the incident, whether or not there was a Garda call-out, and full details of the call-out, in order to have a full record of complaints for court proceedings. One woman noted that it is particularly important for women to be diligent in regard to note-taking in relation to emotional and mental abuse:

*I took constant notes of everything that is happening. The courts are concerned with facts, figures and dates. That is the proof*

Also it was felt that there should be a Garda specifically trained in dealing with all elements of domestic violence in each Garda Station and there should be a facility to report an incident in private rather than current practice, where women can be required to make their complaint in the public view.

There is need for a leaflet outlining domestic violence legislation, how to make applications in the civil courts, how women should gather evidence, and how to make complaints to the Gardai. The specific challenges and strategies for gathering evidence relating to emotional abuse need to be addressed in the leaflet.

### 1.3.5 Accommodation and Housing

Women who cannot remain in their own homes need access to safe and secure temporary and long-term accommodation (O’Connor 2006). It is now practice in the Mid West Region that applicants for local authority housing must have Garda clearance. This is causing delays in processing applications for local authority housing and accommodation in the private rented sector. Also, since July 2009, it is the

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<sup>17</sup> Under section 12 of 1991 Child Care Act, where a Garda has reasonable grounds for believing that there is an immediate and serious risk to the child, he may enter and remove the child to safety.

<sup>18</sup> Each Garda who attends a domestic violence incident is required to fill out a DVSA(I) Form detailing the type of incident, extent of the injury, if any relationship of victim to offender, whether or not children were present and whether or not an arrest was made. If no arrest was made, the Garda should state the reasons why no arrest was made. These forms are returned on a monthly basis to the Domestic Violence and Sexual Assault Investigative Unit in Dublin.

experience of women escaping domestic abuse in some local authority areas that they are no longer eligible to be listed on the local authority housing list and thus are not eligible to receive rent allowance towards rent in the private sector.

Women who have a share in a house and / or women whose partners have outright ownership of the family home, but where the separation agreement has not yet been fully processed are particularly impacted by these new arrangements:

*My child and I are staying with my parents. I am not eligible to apply for rent allowance. My house is on the market, but because it is an isolated rural area it is difficult to sell*

*My name is not on the house, but I was told that I was not entitled to be on a local authority housing list as my legal separation had not come through. As such I cannot get rent allowance*

This practice needs to be reviewed as a matter of urgency.

#### **1.4 Perpetrator Programmes**

There was a range of views on the MOVE programme operating in Ireland. One woman reported that while her husband was on MOVE, there was a ‘marked improvement in his behaviour’. A second woman noted the importance of the ‘partner contact’ element of the programme and the importance of a proactive approach to making contact with victims:

*I was contacted by the worker and I met her every two weeks. I would not have contacted the service myself. She was brilliant. She was easy to talk to..... She explained what services were available. I am now in a support group. This has made me realise the tactics that violent men use.... I would have gone back to him only for the programme*

Other women noted that one of the side effects of programmes such as MOVE is that they give increased insights into the psychic and behaviour of abusive men:

*We now understand that it is not that abusive men are out of control and angry. Rather abusive men use anger to manipulate and control their partners and children*

Other women felt that programmes provide abusive men with the language and tools to manipulate women further.

#### **1.5 Specific Issues Affecting Migrant Women**

In cases of domestic violence, immigrant women from outside the European Union (EU) on a dependent visa are extremely vulnerable, as they are dependent on the co-operation of their husband to have their visa renewed. In many cases they are isolated in the home and do not speak English fluently. In severing their relationship and leaving the family home, they are at high risk of becoming undocumented. Having an uncertain residency status makes seeking help difficult for fear of being apprehended and deported. The following cases outlined by Doras Luimní illustrate the

immigration-related difficulties and uncertainties women from outside the EU who experience domestic abuse encounter. Cases include: a woman who was re-united with her husband under the Family Re-unification Scheme; a woman who was married to an Irish spouse; and, a woman who joined her husband who was a Work Permit holder:

*A woman from an African country was granted a visa (Stamp 4) to join her husband in Ireland under the Family Re-unification Scheme. Her husband had been granted refugee status four years prior to her visa being granted. During the first year of being re-united with her husband, she experienced domestic abuse. She fled from her husband and sought refuge accommodation. She was pregnant at the time. As well as experiencing emotional and psychological difficulties, she experienced economic hardship. Her legal status in Ireland depends on her being a spouse of a refugee. When her Stamp 4 expires, current practice is that she needs the presence of her husband at the local immigration office to support her renewal of Stamp 4. There is also a provision for her to make an application for independent status to the Department of Justice, Equality and Law Reform. The decision as to whether to grant such a status rests with the Department. This woman lives in an uncertain situation and is highly vulnerable*

*An Asian woman married an Irish man and came to live with him in Ireland. She experienced emotional, sexual and physical abuse. She made a decision to leave her husband and fled to a refuge. Her Stamp 4 is due to expire and she has written to the Department of Justice, Equality and Law Reform seeking independent status. She is uncertain what the decision will be*

The situation for an immigrant woman from a non-EEA European State had a satisfactory outcome:

*A spouse of a Work Permit holder from a non-EEA European State was granted a visa (Stamp 3) to join her husband in Ireland. The renewal of this Stamp is subject to her continuing to live with her husband. They have two children who were born prior to January 2005 and are holders of Irish passports. For the duration of her marriage she has experienced domestic abuse and in her fifth year in Ireland fled from the family home with the children. She was granted independent status as a result of the length of time she had spent in Ireland and also because she has two Irish Citizen Children. She now has Stamp 4 and can access employment and social welfare*

Given the difficulties which victims of domestic abuse experience, there is a need to review current national policy that requires particular women to be solely dependent on their partners. A mechanism needs to be created that allows such women who are victims of domestic abuse to be given temporary full independent status while they recover and assess their situation. Access to the labour market, social services and medical services that does not require the co-operation of their abusive partner would prioritise the safety of such women and any dependent children.

## **1.6 Special Issues Affecting Traveller Women**

The *Report of the Task Force on the Travelling Community* states, “The inequalities experienced by women generally are also experienced by Traveller women. In addition, Traveller women suffer from discrimination experienced by Travellers as a group in Irish society” (Government Publications 1995). As part of the present research discussions were held with two Traveller women and research relating to issues arising for the Traveller community was reviewed.

As with the settled community, mental cruelty is an integral part of domestic abuse in the Traveller community. It takes the form of extreme jealousy of wives being around other men; going on extended drinking sessions and not informing their wives when they will return; and leaving their wives without money. Traveller women too, like settled women are coming to terms with sexual violence where “forced sex” was not traditionally “classed as rape”. Traveller women are beginning to realise that they have a right to live free from violence.

Leaving her husband is seldom considered an option for most Traveller women and there is pressure on a woman leaving to return to her family, as “a Traveller woman is married for life”. Traveller men look down on women who leave their husbands. When Traveller women leave their husbands, they are nearly always compelled to leave their community and are thus forced to interact with the settled community where they experience discrimination and marginalisation. A woman leaving disrupts the extended family, which is made up of strong networks of marriages between cousins, underpinned by an economic base. As in the settled community, Traveller women can blame themselves for the violence of their husbands.

The difficulties of one woman who left was outlined:

*It is very hard to get up and leave. I was very scared and did not know what happens next. I had a difficult child and if he got sick what would I do? For two years I left my friends and the Traveller community behind and went to England. I was in a refuge for a whole year..... I had no contact with my family. If I came back and he (ex-husband) found out, he would harass my family.... I could not come back for the funeral of my sister as he (ex-husband) would be there. In the end, I had a nervous breakdown...a big part why women go back is because they are all alone. After two years I came back to Ireland... and took out a Safety Order..... I was strong enough to stand up to his family, but I needed the Safety Order*

Refuges are important to Traveller women and Traveller women make up between 30 to 40 per cent of women using refuges in Ireland, although they make up less than one per cent of the national population (kelleherassociates and Breslin 2001; Sullivan 2009). Traveller women highly value the support services and see refuges as a vital service where Traveller women can escape for a “break” from the violence:

*It is a very good service (local refuge service). It was very helpful. Staff are very understanding*

Traveller women however are aware that Traveller women express themselves differently than settled women. In their interaction with the settled community they

can feel “looked down on” by the settled community and this can extend to the refuge environment. They are conscious that they have more children than settled women in the refuge and settled women can “get anxious” about how the children are behaving:

*Traveller women can be up in a heap and confused. Children are used to being outside on the site. They feel closed off in the refuge. The children can be running wild. Mothers can be made to feel that there is something wrong with their children.....*

Traveller women often feel unsure around settled women:

*Settled women may think that Traveller women are rude for not controlling their children*

Traveller women feel silenced. They feel that the environment is “regimented” yet they are unsure of what is expected of them:

*Will I be put out (have to leave the refuge) if I move this chair?*

The case was strongly made that Traveller women should be up-skilled to work in refuges:

*Women would be less fearful to talk out more if Traveller women were employed...They would be able to do follow-up ... When women leave the refuge they do not hear anymore from the refuge... They would have a better understanding and know the whereabouts of families. They would understand what families were feuding*

The point was made that a Traveller woman who had experienced domestic abuse and left her husband and had succeeded in making a new life for herself would be a good role model for other Traveller women.

Traveller men in general do not object to women accessing refuge accommodation, as Traveller men know that it is only for a “break” and that their wives, while in the refuge, will not be with other men. Also it provides men with hassle-free time to do as they please:

*Traveller men are laughing as men's control outside is extended inside the refuge (women are not with men). When they (the men) finish having a good time, they come and collect the wife*

Refuge accommodation is the main type of help sought by Traveller women and they seldom seek assistance from other specialist services such as Helplines, outreach services or support services. Also they are unlikely to seek redress from the family law courts and apply for Orders under the domestic violence legislation.

Aside from refuges, the Gardaí are one of the few services that Traveller women use and this service is used only occasionally. When called, Traveller women have difficulty getting an appropriate response from the Gardaí:

*Sometimes the Gardai will come, but it could be hours later*

*You could be dead before a Garda gets there once they know that you are a Traveller*

In regard to arrests, Traveller women's experiences are similar to that of settled women and they feel that the powers of arrest of the Gardai are limited unless a domestic violence order has been taken out:

*They usually give him a warning. There is nothing they can do if there is no Order*

The relationship between Traveller women and the Gardai can be based on fear and mistrust and there are strong social sanctions against calling the Gardai to a halting site or to a group-housing scheme, and, a Traveller woman will be severely reprimanded for doing so:

*You get blamed for bringing them (the Gardai) on the site... Other families see them looking around...looking to see if the motor cars have tax and insurance*

The importance of having an integrated criminal justice and enforcement response was noted by one woman:

*You need to know that when women call the Gardai that he (the man) is going to be arrested and given time in prison. This will teach others (men) to behave and they will think twice before they do it again. Courts need to be seen to be effective.... Women need to know that they (men) are going to do time. If this does not happen women are not safe. No man likes to be locked up or given a big fine. Men should not be allowed to get away with it*

The women interviewed felt that Traveller women need to be central to designing support services for Traveller women. In this context, consultation which is Traveller-led should be undertaken to:

- Identify safety options for Traveller women in addition to refuge, for example Safety Orders
- Identify strategies to work proactively with Traveller women to promote their general use of domestic abuse services, over and above their use of the refuge at times of crises;
- Examine the long-term options for Traveller women seeking to leave violent partners

There is also a need to:

- Ensure that Gardai are trained in the specific issues encountered by Traveller women who experience domestic abuse
- Ensure that all who work in support services for domestic abuse are trained in Traveller Cultural Awareness

The proposed consultation with Travellers should also explore a number of other suggestions put forward by the Travellers interviewed in this research. These include:

- Developing a positive employment policy relating to the employment of Traveller women in VAW support services and to develop the capacity of Traveller women in order for them to be able to seek work.
- Piloting a support group for Traveller women
- Piloting a counselling service for Traveller women
- Resourcing Traveller men to develop strategies to challenge male violence against women and children

## *2: Summary and Conclusions*

There is a high level of satisfaction among women with specialist support and outreach services. The combination of practical assistance; effective referral; an assurance that the violence was not their fault; and the fact that staff members understand and prioritise women's and children's safety is highly valued. This empowering approach of staff helps women to regain self-esteem and confidence. The specific issues raised by Traveller women are outlined in section 1.6.

Women would like more access to support groups in rural areas. It needs to be clarified whether or not women who are still living in abusive relationships need separate support groups from women who have left violent relationships. The point was also made that services could take a more proactive approach to making contact with women experiencing violence, such as following-up a call-out by the Gardaí. It was also suggested that specialist support services should document and compile information on the experiences of their clients of public sector services, such as Garda call-outs, access arrangements, enforcement of maintenance orders and experiences of the medical personnel.

Women find the response of public sector services patchy and uneven. This can put women's and children's safety at risk or leave women without appropriate help for prolonged periods of time. As well as a more effective response from individual agencies, there is need for much greater integration of service delivery. For instance medical personnel should be aware of indicators of violence against women and undertake routine questioning where violence is suspected, have information leaflets on sources of help and there should be referral protocols in existence between medical services and the specialist support and outreach services.

The unevenness of the capacity of medical personnel to identify and refer women to appropriate services was repeatedly noted and women spoke of negative experiences of couples counselling, with counsellors ignoring the violence and allowing men's dominance to continue.

Garda need a more proactive approach and a proactive enforcement policy, so that women are not left feeling unsafe in the house with an abusive partner, following a Garda call-out. Women felt that Gardaí need to listen to women, as women are often best placed to assess their own safety. During a Garda call-out, there needs to be consistent practice whereby Gardaí give information to victims on the support services available. An initial risk assessment to determine whether or not the woman is safe should be part of procedures. The point was also made that in cases of arrest where it was felt that the release of the accused would pose a danger to the family, the accused should be detained until the next court hearing. Following a Garda call-out, there should be protocols in existence between the Gardaí and specialist VAW services so that women have the option of availing of a support service.

Repeated and intractable court proceedings in family law courts are damaging to women and children and there is need to consider how the court caseload can be managed more efficiently. Concerns were expressed in regard to insufficient mechanisms for enforcing defaulting maintenance payments.

It is women's experiences that there is significant discretion and considerable variation in how judges interpret legislation. Judges do not always have the experience to deal with disputes where domestic abuse is present and lack of training for judges can lead to inconsistencies in decisions. Judges need training so that they are fully informed of the nature of domestic abuse and the risk to women who experience violence.

Granting access to children to violent partners needs careful consideration. There was a strong view expressed in discussions with women that the safety of women and children is compromised in many instances. It is not only the actual access, but the hand-over stage of access which concerns women as the contact that parents are required to have for the purpose of access can lead to threats and intimidation putting added stress on women and children. Judges do not always have the experience, or the relevant information is not always before the court, to deal with access disputes. In this context there is need for a service such as the Probation Service to provide reports to the courts on the welfare of families and on the risks and behaviour of offenders.

The non-compliance with maintenance orders by ex-partners was a key theme in many discussions, with women stating that abusive men are withholding maintenance payments as a means of continuing the control and harassment of women.

Many women felt strongly that children's voices should be heard in court. This would be in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) that requires that states allow children who are capable of expressing views to do so, and to give weight to those views according to the age and maturity of the child. In this context, a court-based service, which would provide for expert and impartial advice to the family law court on the children's needs and views and how violence is impacting on the child, is needed. The Probation Service, which is court-based, is well placed to provide this advice.

Accommodation is a huge problem for women who wish to escape from a violent relationship. It is the experience of women who are joint home owners or women whose spouse is a home owner that they are not permitted to have their name listed on the local authority housing list and are thus not eligible for either local authority housing or rent allowance in the private rented sector. This practice is causing major difficulties for women wishing to leave a violent situation and needs to be reversed.

There is need to encourage women to report incidences of violence. Not reporting the violence to the Gardaí or other professionals can mean that when women need a report from professionals to substantiate their case in legal proceedings they are without evidence. When reporting an incident to the Gardaí, women would like access to a designated Garda specifically trained in dealing with all elements of domestic violence. There should also be a facility to make the complaint in private.

Although service providers have made great efforts to respond to the needs of Traveller women, accessing services can present particular problems for Traveller women, who do not always feel understood by service providers and often feel inappropriately judged. Traveller women would like Traveller women employed in direct service provision. Consultations which are Traveller-led should be undertaken with Traveller women to see how the safety of Traveller women can be maximised (see section 1.6). Women from the most marginalised working class communities

may also feel silenced because of class differences and because of where they live, which can be aggravated by other issues such as links to families involved in crime and drug-related offences.

Immigrant women from outside the EU who experience domestic abuse encounter specific difficulties. For instance they may enter the country on a dependent visa and the renewal of their residency status may be dependent on the co-operation of their partner/husband. Women in such situations will find it difficult to seek help as they are at risk of becoming undocumented and deported. These women should not be deported and there should be a specific mechanism whereby they have a right to be considered for independent legal status.

Women felt strongly that there is need for high visibility regional campaigns that highlight that domestic abuse is not acceptable. There is also need for information material, which would include information on domestic abuse legislation, how to make an application to the family law court and how to make a complaint to the Gardaí. It is also important that there are programmes in schools, which educate boys and girls on the realities of violence and which outline that no-one has an entitlement to control another individual through physical, emotional or sexual abuse.

## Appendix

### **Civil Courts: Domestic Violence Legislation**

Protection can be granted under four main court orders at district court level. The critical clause in deciding whether or not a Barring Order, Protection Order or Safety Order is granted is “where the court is of the opinion that there are reasonable grounds for believing that the safety or welfare of the applicant or any dependent person requires it”. For an Interim Barring Order, the critical clause is “immediate risk of significant harm”.

1. A Barring Order provides for the exclusion of the violent person from a family home for a length of time and under specific terms as determined by the judge. If a Barring Order is granted it prohibits the violent person from further violence or threats of violence or from watching or being near the home of the applicant. A total of 1,064 Barring Orders were granted by the district courts in 2010.

The district court is empowered to grant a Barring Order for a period of three years or for such shorter period as the court may provide. Barring Orders in the circuit court can be sought as ancillary orders to judicial separation proceedings. The circuit court has the power to grant a Barring Order that can last indefinitely or for a specified period of time.

2. A Safety Order is an Order, which prohibits the violent person from further violence or threats of violence. If the violent person lives apart from the applicant, the violent person is prohibited from watching or being near the home of the applicant. The safety order expires five years after the date of its making or as the court may provide. A total of 1,457 applications for Safety Orders were granted through the district courts in 2010.
3. An Interim Barring Order can be granted on the making of an application for a Barring Order, or between the time of the making of the application and a court decision, if the court is of the view that the granting of a Protection Order would not be sufficient to protect the applicant. The granting of an Interim Barring Order is based on the opinion of the court that there are reasonable grounds for believing that there is an immediate risk of significant harm to the applicant. This is an immediate Order requiring the violent person to leave the family home. Interim Barring Orders are made on an *ex-parti basis*. This means that only one side is represented at the application stage. A total of 431 Interim Barring Orders were granted by the district courts in 2010.
4. A Protection Order is granted while the applicant is waiting for the court to decide on the application for a Barring Order or Safety Order. It is granted in tandem with an application for a Barring Order/Safety Order but cannot be granted on its own. A total of 2,672 Protection Orders were granted in 2010.

Under Section 6 of the *Domestic Violence Act 1996*, the Health Service Executive (HSE) can apply for a Barring or Safety Order for an abused victim who is “deterred

or prevented (from applying for an Order) as a consequence of molestation, violence or threatened violence". The permission of the victim is not required although the wishes of the victim must be taken into consideration. The HSE was granted 5 Banning Orders in 2009 and 4 in 2010.

A copy of the Order under domestic violence legislation is sent to the Superintendent of the local Garda station by registered post on the day following the issuing of the Order.

### **Criminal Law**

In Ireland, breach of an Order under domestic violence legislation is a criminal offence and the accused can be arrested without a warrant and criminally prosecuted. A person found guilty of breaching an Order is liable to a fine of €1,904 and/or a prison term of 12 months.

Although not legislated for, the Garda Siochana Policy on Domestic Violence Intervention prescribes that:

*When a Banning Order or Protection Order is in force, the investigating member will always arrest the respondent spouse where the member has reasonable cause for believing that the Order has been breached and a complaint has been received from or on behalf of the applicant spouse*

If a person does not have an Order under domestic violence legislation, a Garda may enter the house if he has reasonable grounds for believing that an assault is taking place occasioning actual or grievous bodily harm.

Garda policy is that domestic violence should be considered like any other crime, with the Gardaí adopting a policing and protection role. The Gardaí should provide the person injured with information on civil remedies available and information of relevant services. If an allegation of assault is made, but no power of arrest exists, the Garda should take a written statement with a view to issuing a summons for assault and bringing the offender before the court to answer the charge. Where an arrest is made and the person charged immediately after the assault, station bail should not be granted to the accused as the likelihood of intimidation to the injured party is extremely high. Gardaí are obliged to give the victim the name and telephone number of the Garda station. Also the Garda should call back to the victim at least once in the following month to provide information on any developments in the investigation.

The *Non Fatal Offences Against the Person Act 1997* aims to consolidate legislation relating to assaults. Under this legislation it is an offence not only to cause serious harm but to threaten to kill or cause serious harm to another person, if the person believes the threat to be real. It is also an offence for a person to harass another by persistently following, watching, pestering or communicating without reasonable excuse.

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## *Notes*

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