



The National Office for the Prevention of Domestic, Sexual and Gender-based Violence  
An Oifig Náisiúnta um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe a Chosc

# **National Strategy on Domestic, Sexual and Gender-based Violence**

**Summary of Public Consultation Process**

**February 2009**

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## INTRODUCTION

Cosc is the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. It is the first dedicated Government office with the key responsibility to ensure the delivery of a well co-ordinated “whole of Government” response to domestic, sexual and gender-based violence. The establishment of Cosc provides the opportunity for a fresh look at the structures, policies and procedures needed to reduce the prevalence of this crime and to provide the best possible response to those affected. With this goal in mind, Cosc is working in partnership with our stakeholder organisations towards the launch of the first *National Strategy on Domestic, Sexual and Gender-based Violence*.

A number of steps are feeding into the production of the new strategy. In April 2008, Cosc issued a call for submissions resulting in 48 submissions covering a broad range of issues across all sectors. In May, a three day conference entitled *Stopping Domestic Violence: What works?* took place in Waterford, providing an opportunity to learn of best practice in other jurisdictions and to discuss this learning with stakeholders.

This work alongside internal research at Cosc laid the ground for a series of regional public consultations on the new national strategy. These took place during November and December in Dublin, Cork, Limerick, Tullamore, Waterford and Sligo with key local stakeholders and individuals attending. In addition, alongside the public sessions, Cosc met privately with a number of individuals who have been directly affected by domestic and sexual violence, including people who had been through the legal processes available and those who continue to suffer.

## PUBLIC CONSULTATION: THE PROCESS

The public consultations involved a short presentation by Cosc’s Director, Éimear Fisher, on the major themes that emerged from the written submissions. Participants were then invited to provide general comments, including any potential gaps. Following this, the participants were split into groups and asked to consider a specific themed question and to report back. The questions were as follows:

1. **Prevention:** How do we get society, and particularly men, to engage with the issue, and what myths and stereotypes need to be challenged?
2. **Support Services:** What improvements are needed to help victims to remain in their homes?
3. **Offenders:** Is there a role for the victim in actions dealing with offenders?
4. **Protection of Victims:** What extra supports are necessary to maximise the possible protection for the victim in the community?
5. **Effective Action:** What are the challenges to inter-agency working and what measures could help overcome some of the difficulties?

Following the feedback from each group, participants were asked for any final comments and suggestions.

Consultations were also held by Éimear Fisher on a one to one basis directly with victims/survivors. Some consultations were also held with small groups of victims/survivors. The views expressed in these private consultations are not included in this report but form a valuable part of the learning into the flaws and success of the current system of prevention and response. Cosc is very appreciative of the work of key NGOs in arranging these meetings. Cosc is also grateful to the many victims/survivors who travelled long distances and invested time and thought into their consultations to help shape the National Strategy.

What follows below is a summary of the feedback and discussions at the six public consultation sessions, with references to similar points brought together to provide a coherent overview. Every effort has been made to ensure that all substantive points raised at each location are incorporated.

It should be noted that the content which follows presents the views expressed at the regional consultations and may not necessarily represent the views of Cosc.

# 1. PREVENTION

Discussion on prevention was guided by the key question: How do we get society, and particularly men, to engage with the issue and what myths and stereotypes need to be challenged?

## 1.1 Raising Societal Awareness

### *Victims*

- Fundamentally, we need to consider how we get to the 93% of women who don't report domestic and sexual abuse.
- Anger, guilt and shame are some reasons for non-reporting. Raising awareness needs to help victims overcome these feelings and to come forward.
- There is a real need to engender confidence in victims that violence will be stopped once they report.
- The word 'victim' can be stigmatising and prevent them from coming forward (especially male victims). They need to hear about 'hope' and survivor stories as those of 'heroes'.

### *Wider Society*

- Awareness will be achieved from not only the top-down but also bottom-up.
- The awareness campaign must be sustained in order to be successful. The message can be carried through:
  - Television (eg: soaps, talk shows)
  - Advertisements (eg similar to 'Litter Bug' or drink drive campaign)
  - Billboards
  - Fundraisers
- Need to grasp that it is a 'control issue' – domestic violence is often about a man keeping control of a woman ('coercive control').
- Get leading members of society to speak out and show leadership on the issue (eg: sports people), with a consistent "it's wrong" message.
- Crimewatch should not just focus on danger from strangers as domestic and sexual violence is often perpetrated by someone known to the victim.
- There is a need for clear organisational policies and protocols to raise awareness.
- There is also a need to emphasise sexual crimes within relationships which are not spoken about.
- The reporting of family law cases should be extended to include these types of cases, which will help raise awareness.
- There is a need for a central calendar of relevant events to ensure important events don't clash but that there is coherence. Perhaps a central web calendar to ensure no clash/overlap. Same with research – knowing who is doing what and where.
- There is a need to be cognisant of key risk times. For example, leaving certificate and new 3<sup>rd</sup> level students (especially females) are becoming sexually active and

drinking and are therefore at a greater risk of sexual violence than they were heretofore.

- Societal workplace policies and strategies are needed to support victims. There is a need to engage with employers and trade unions to raise awareness in the workplace on the issue, making it clear where victims can turn to for help.

### ***Awareness Messages***

- “Silence leads to collusion”, especially in rural areas, where people know where it is happening. One way of dealing with this silence is to highlight forcefully that it’s a crime and will be punished.
- “Not everyone is having a happy mothers day because...”
- Awareness can be addressed through a message on human rights, bodily integrity and right to feel safe at home; and a message to possible perpetrator or perpetrator: ‘No one is entitled to violate the rights of others’.

## **1.2 Education**

It is appreciated that tackling domestic and sexual violence will require formal and non-formal education approaches. Education is seen as critical in reducing the incidences of this crime over the long term.

### ***Children & Teens***

- Peer attitudes at young male level are very important, so education at this level is crucial but it is important to work with kids, not preach.
- There is a need to educate children on what a healthy relationship is and what an abusive relationship is (scope for an educational DVD).
- Education must be for young boys and young girls. They must learn to respect each others boundaries and use only appropriate language towards one another.
- A cultural shift is required – specific problem in single sex schools. For example, exploring masculinity is not allowed because some object to it. Should such programmes be mandatory? A teaching module, ‘*Exploring Masculinities*’ could be taken off the shelf and implemented.
- There are issues around teachers being reluctant and uncomfortable to teach on these issues; therefore there is a role for local experts to help educate in schools (eg. young Gardaí).
- Need to address the fact that schools take a hands-off role because they are worried about the governance issue.

### ***Adults***

- Pre-Marriage courses and the importance of ‘consent’.
- A good practice example is in the state of Tennessee in the US, where work is done with men’s groups around prevention, and this is filtered down to sons.

### ***Professionals***

- A Domestic Violence component should be included in all undergraduate training for all those involved in a related field – eg. teachers, doctors, lawyers, social workers.

- While it is acknowledged that counselling is important, sometimes the importance of training for counsellors is lost – victims can suffer from lack of understanding by counsellors (of dynamics of sexual and domestic violence).
- Similarly, Psychotherapists might not understand the dynamics of the issues and it isn't clear that a course is available that trains on the dynamics of domestic and sexual violence.
- The Dublin Rape Crisis centre is running a course on the whole area of domestic violence. Some training courses have only 'optional' modules on domestic violence and some just don't run them. There are issues of take-up on this type of training by counsellors and psychotherapists.

### **1.3 Engaging Men**

There was a view that while it is a societal issue, gender does need to be recognised as a factor in domestic and sexual violence. While men do suffer from these crimes, the majority of victims are women. Therefore views were sought on how to engage men on the issues of domestic and sexual violence and controlling behaviour.

- There is a need for leadership from male dominated organisations, such as Chambers of Commerce, the clergy, FAI, IFA, unions, army, Gardaí, golf clubs and professional bodies – these bodies should run training and awareness sessions.
- Use men as positive role models in respectful relationships and facilitators, making use of the various media outlets (eg: talk radio, television dramas)
- Encourage male involvement in voluntary work in relevant social services and youth clubs (where men are currently under-represented).<sup>1</sup>
- Important need to ensure men as a gender are not isolated. Men and boys have a role in supporting friends and neighbours.
- There is a resistance to the idea that men can be victims, especially among men themselves.
- Need to decouple the issue of masculinity and violence.
- There is a need to get men to think about domestic violence and its impacts in different ways (e.g. mothers, children can be affected)
- Need to tackle the lack of focus on male perpetrators, instead of:
  - The woman was dressed a certain way
  - “Why doesn't she leave the abusive situation, rather than why does he do it to her.”
  - The onus seems to always be on the woman to get the man removed and not the responsibility of the man to take responsibility for his actions.
- Good practice example by Jackson Katz in US – excellent in getting men to take responsibility (<http://www.jacksonkatz.com/topten.html>).
- For the older generation, there is nothing on television or in the media about men and their issues. There is a good practice example in Scotland involving high profile men, including politicians.

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<sup>1</sup> It was noted that abuse cases have had a damaging impact on male involvement in such areas, given the sense of perceived 'suspicion' about men working in these areas.

- 1 in 4 women are being abused in the community, therefore 3 in 4 men need to stand up and play a role in preventing abuse.

#### **1.4 Challenging Myths & Stereotypes**

There were a substantial number of points made in the area of challenging myths and stereotypes and these should be incorporated into awareness raising and education. They were:

- Domestic and sexual violence is neither a men's issue nor a women's issue; it's a societal and human rights issue.
- It is not:
  - Specific to a particular social class or to men in low-paid jobs.
  - Linked to alcohol consumption – violence is perpetrated by those who are not under the influence and not all drinkers are involved in violence.
  - Just physical violence – fear, for example, can constitute domestic violence too.
  - Linked to conjugal rights and there is a need to challenge the patriarchal belief system that the 'father is head of the house'.
  - 'Just' part of traveller culture.
  - Just a private matter – it is as serious as public violence and not just a 'behaviour' within families.
  - solved by feminism or equality.
- It doesn't just affect adults, but also children indirectly.
- The dress sense of some women cannot be used to apportion blame to the victim.
- Pornography, sex trafficking and violent crime are linked.
- The majority of victims are not passive, helpless and hopeless as the perception exists and judges, for example, need to appreciate that confident women can be victims.

## **2. SUPPORT SERVICES**

Discussion on support services was guided by the key question: What improvements are needed to help victims to remain in their homes?

### **2.1 Information**

- Victims coming forward need to be made immediately aware of the various support services and groups available, how to access them, and the fact that refuges are not the only option.
- Knowledgeable support personnel must be able to provide information that is accessible and easy to understand (eg. in fold-up credit card size).
- Citizens Information can play an important role.
- Overall, the emphasis is on empowering the victim.

### **2.2 Service Provision**

- Outreach services are crucial and must be strengthened with more resources. They play a vital role, especially in rural settings where it can be difficult to access support services. They can play the role of going to victims' homes, informing them of their choices, the services available and supports. But it must be safe for the outreach officers.
- On occasions, victims are referred on to certain services and boxed-in within those services. Provision needs to be more flexible and holistic.
- A 'Wrap-Around Service' is a possible option but should not be forced on a victim. It involves continuous support at the various stages from changing locks to going to court and after court. For best practice, we should look at the models in Australia and New Zealand. All services come together, but are responsive to needs.
- Counselling is very important for women, and not just as part of a refuge or rape crisis centre. Victims often just want somebody to listen, not necessarily to come up with solutions.
- There needs to be consistency and a standardised approach to these issues nationwide so that service is not dependent on where you live. A standardised protocol for all services should be rolled-out. Examples of best practice should be written up and promoted. Emphasis should be placed on reducing the need for the victim to repeat the story to different providers.
- Government offices, agencies and Local Authorities need to have written policies on the services they will provide for sufferers of sexual and domestic violence.
- Resources are a major and recurring theme. They are needed to fund any improvement yet there are cuts across all service provision.
- Service providers need to be cognisant of the diversity of victims of abuse – eg those with drug addictions etc.
- Extra supports for victims – Local Area Networks are very important but need to be resourced properly and a minimum level of service is required.
- All members of the Local Area Network must be trained in the issues.

- Counselling for women victims is crucial and should not be under a ‘mental health’ theme. Psychotherapy is important given the possibility of related depression, suicidal issues etc.
- There are serious issues around consent for those who, for mental health or drug abuse reasons, cannot give such consent. This needs to be linked into the Law Reform report (2006) and the need for a ‘Guardianship Bill’. There is a need to gain access to people who cannot give consent.

### **2.3 Service Structures**

- The shared location of supports would be useful – for example if the services of various agencies (Gardaí, housing services, etc.) were located in one place or at least in close proximity.
- More links are generally needed between relevant agencies and front line personnel (doctors, social workers, Gardaí, teachers).
- The strategy must consider the implications of the border with Northern Ireland, as victims are not necessarily bound by it.

### **2.4 Staff Capacity**

- There is a genuine question over the appropriate sensitivity of some support services; when for example, domestic and sexual violence victims are dealt with as part of everyday work – eg housing function of local authorities.
- Front line local authority staff need training in domestic violence to ensure that they can better read the ‘non-verbal’ signs that someone needs housing for a reason that cannot be explained on a form.
- It is essential that all service providers dealing with victims are fully trained to deal sensitively with different cases. Train key groups (teachers, clergy, housing services, LES, citizen information centres) that are the first port of call for women wanting to make a disclosure.

### **2.5 Housing**

- There is a lack of consistency in the Local Authority (LA) provision of designated houses for victims. Cosc could call for this, but the question arises as to whether or not they should be identified as ‘safe houses’. The security of such safe houses should be maximised.
- Local Authorities need to take a more proactive and flexible role in this area. There should be a standardised link with other local authorities to facilitate housing options in other counties, should the victim need/want to move. A victim’s prioritisation on a housing list should therefore cross borders with them.
- Victims also require support when in the alternative accommodation.
- Similarly with the LA rental accommodation, there is a need for flexibility in local rules. The Rental Accommodation Scheme (RAC), for example, currently requires that an applicant be 18 months living in private rented accommodation, which is obviously not possible in many DV/SV cases.
- All Local Authorities have a policy on anti-social behaviour so there is a possibility and need to link domestic violence into these policies and tenancy agreements

- If a refuge is the only option, this signifies system failure.
- But where a refuge is developed, the Department of the Environment or Local Authority cannot simply build a refuge as a stand alone house. Refuges require support services as part of a complex.
  - For example, in recent times the Department of the Environment gave just €30,000 for a support building when it actually costs €500,000. Funding needs should be made clear – “it isn’t just a house”.
- In terms of active refuges, there is a need for agreed protocols regarding who is responsible for what, especially for agencies nearby and involved.
- Given the victim should have the right to stay at home, perhaps alternative accommodation for perpetrators should be considered.

## **2.6 Needs of Specific Groups**

### ***Foreign Nationals***

- There is a need to be cognisant of foreign national communities in Ireland, including the cultural and ethnic differences, and the difficulties these may pose in accessing services. It is inappropriate to group together all migrant women given the divergent needs within such a grouping (normal workers, trafficked women, asylum seekers etc). For example, someone in a hostel needing services is a very different case to a settled foreign national (in work and a settled home) needing to access services.
- Problems include:
  - Identifying and accessing appropriate services – hopefully this is a first generational difficulty only.
  - The victim can have no established social links yet in Ireland, and is cut off from links with home, which leads to isolation and vulnerability.
  - Language barriers have not been adequately tackled.
  - Difficulties for victims in leaving home and leaving children behind with the perpetrator, especially young girls.
  - Women can fear coming forward in case it affects their asylum/citizenship application (in this case, they should be separated from the application of the perpetrator).
- There is a need to ensure the awareness and information message gets out into the foreign national community.
- In this respect, translation assistance is key, including third party assistance for helplines. Fear, cultural and language difficulties can be a barrier for women in coming forward and contacting agencies. It is consequently very difficult to leave an abusive home.
- The need for court interpreters is a significant issue.

### ***Older People***

- Abuse of older people is often omitted when discussing domestic and sexual violence.

- There is a need to increase awareness about the particular needs of older people and how they need to travel to get help – this can often act as a barrier to accessing services.
- The abuse of older people does not just take place in residential institutions. HSE guidelines on elder abuse covers a multitude of areas like financial abuse, psychological etc. 98% of those experiencing abuse are doing so in communities.

### ***Traveller Community***

- Domestic and sexual violence is hugely prevalent in the traveller community.
- There can be a difficulty for traveller victims in accessing services and systemic problems in understanding their needs.
- Violence is a major issue and services such as housing for victims need to be cognisant of the traveller/cultural perspective.
- Traveller women are nervous of the outside world and bringing in ‘outsiders’. They want violence to end but not relationships to end.

### ***Children***

- There is a need for liaison with Ombudsman for Children as there are a number of important issues pertaining to children, such as:
  - The difficulty in getting permission from fathers for counselling programmes etc. Psychologists won’t take children on without consent from the parents.
  - Children are sometimes dragged out of houses to visit their fathers by Gardaí – to uphold rights which are legislated for. What about the rights of the children and what they want? The golden rule of the UN is that children are ‘double victims’ in these cases.
  - In the case of 14-18 year old rape crisis victims, there is also a ‘permission difficulty’ issue.
- Children also suffer due to domestic violence in the home. The duty of care should therefore be to women and children.

### **3. OFFENDERS**

Discussion on offenders was guided by the key question: Is there a role for the victim in actions dealing with offenders?

#### **3.1 Courts & Legal System**

The courts and legal system was a significant area for discussion in each of the regional sessions. Many practical points were raised.

##### ***Legislation***

- Domestic Violence is not named (nor statutorily defined) as a crime in legislation and this must be changed, as at present it's treated as "somewhere in between".
- The definition should incorporate both physical and psychological abuse (and possibly emotional and financial abuse). Abuse other than physical can be the most damaging and yet hardest to prove in terms of obtaining barring orders (For example, having a physical mark on your body is better proof of abuse).
- If the perpetrator were in custody for an alleged criminal offence, the issue would be dealt with more quickly by the criminal justice system.
- It needs to be taken more seriously as a crime, as the theft of a bag on a street can sometimes be taken more seriously by the courts. Private abuse and violence are the same as public violence in law, yet punishment for public violence is more obvious than domestic cases.
- There can be a consequent lack of confidence in the law which can be off-putting for victims in coming forward – women need to be supported in new ways of coming forward; greater confidence has to be placed in the court system and in court settings.
- Domestic violence legislation is currently very strong and it may be weakened if changed – new/amended provisions may ultimately water it down in some way (note: there was strong disagreement about this viewpoint).
- Should domestic violence be removed from the realm of criminal law to civil law? It might make it more difficult for Gardaí to prosecute but maybe a civil law approach would make it easier for victims.
- There are legal gaps in situations where there are children involved between dating couples and ex partners.
- Alternative Models – We should look at other forms of restorative justice elsewhere.

##### ***Director of Public Prosecutions***

- The Office of the Director of Public Prosecution should keep victims informed at all stages in the legal process. The office could have a role in checking-in with DV/SV victims once every 6 months, and keeping them updated on progress.
- There is a need for clarity on the DPP's reasons not to prosecute.

##### ***Legal Professionals***

- It must be borne in mind that the court process is part of the victim's experience.

- There is a need for education and training for male professionals in this area, such as solicitors, who are often the main point of contact for women.
- In some instances, solicitors for perpetrators can attempt to bully the victim, particularly if the victim doesn't yet have legal assistance. Therefore guidelines for solicitors are required.
- There should be training of the wider legal profession (judges, clerks, barristers) to ensure greater sensitivity towards victims, to improve awareness and understanding of issues, and ensure ability to assess evidence other than physical injury (can be an overemphasis on the latter).
- Similarly, there is a need to challenge the perceptions of judges and the public around the appearance of women at court. For example some of the assumptions over how 'victims' should appear (for example where women do not appear 'timid enough'), and assumptions around men ('seems like a decent sort' etc).
- It is sometimes difficult to get civil legal aid - there should be a dedicated, country-wide legal aid team for sufferers of domestic and sexual violence.

### ***Court Facilities***

- Courts can be an intimidating place for victims, particularly when faced with meeting the perpetrator while waiting for court to begin.
- Improve the physical facilities and develop separate consulting rooms to keep perpetrator and victim apart – this is a particular issue in rural courts.
- In rural areas, different stages of the process are dealt with by different courts in different locations, and this can cause problems for those without their own transport.
- There is a need for translation services, in court but also at initial application stage (there should be a choice of gender in translation services).

### ***Court Cases***

- There should be more precise scheduling and fast-tracking of court sittings (especially during the summer) - listing of cases to reduce waiting times.
- Victims may have to wait a whole day for a hearing, which last a few minutes.
- In this respect, we should look at the specialisation of courts and expedition of cases – look at possibilities, and examples abroad.
- One option would be a special family law court to deal with these cases and dedicated trained judges. This will require examining the possibility of including criminal court proceedings in family law court.
- Cases should be held in-camera, along the lines of the process used for juvenile cases.
- At present, the role for the victim is unsatisfactory. The victim is not adequately represented, and the Victim Impact Statement only takes place after conviction.
- A victim should be able to give evidence by video link (pre-recorded or live) and if in person, there should be a screen in court to shield the victim from the perpetrator.
- Consider the Northern Ireland model, whereby the victim can have someone else give evidence on their behalf.

- There is a need for supports for victims with mental health disabilities. For example, a need for supports to help give evidence.

### ***Supports for Court Attendance***

- A standard information package on going to court should be produced for all domestic and sexual violence victims and it should be available in translated versions.
- There should be a court familiarisation process before a case to help prevent victims backing out.
- There is a need to manage the expectations of victims about what will happen in the court process and the burden of proof, particularly in a criminal trial.
- If a case is unsuccessful, there is a lack of information at present as to what happens next.
- The victim should be kept up to speed on the progress of the court case and particularly in the lead-in up to their appearance in court.
- Basic supports (e.g. childcare, provision of clothing if victim doesn't have appropriate attire for court appearance, and liaison officers to accompany victims).
- There is a practical need for skilled court accompaniment.

### ***Judiciary & Sentencing***

- There was a strong and consistent view across the board that there is a lack of consistency in sentencing. Sentencing is haphazard and a lottery – the understanding and severity of sentencing is dependent on the judge you get – it was said that ‘some are not sensitive to these issues at all’.
- This may be largely due to a lack of judicial knowledge and discussion about domestic and sexual violence. There were no judges at the Cosc conference in Wexford, for example. There is a huge amount of work to do with the judiciary – orders diluted due to custody and access etc.
- Therefore it is important to better inform/educate the judiciary (possibility of a guidebook?). Judicial training in Canada should be replicated here.
- The Department of Justice should provide proper guidelines on sentencing.
- At present, no report is allowed in the courts from child services, social workers working with children. Advocacy work on behalf of victims is dismissed.

### ***Border Issues***

- There are specific issues to bear in mind pertaining to the border:
  - The perpetrator can cross the border to avoid prosecution
  - Women who cross the border with children can be in contravention of Hague Convention.

### ***Orders***

- It is important to provide information to victims on the various orders that are available to them and to provide assistance with the process (ie legal assistance).

- At present, it is often difficult to obtain orders in cases where the evidence is difficult to demonstrate (for example, if there are no physical scars in the case of emotional abuse).
- Changes to the law are also required to overcome practical difficulties in obtaining orders, in areas such as:
  - Minimum residency requirements – these should not apply for safety or barring orders against a partner, in the case of non-married couples (ie having to have lived a certain number of months in the home together)
  - Co-ownership of the home.
- Access orders should not be used to circumvent barring order requirements.
- Orders should be enacted in tandem with a maintenance order for the victim.
- The onus should not always be on the woman to take out an order against a man. Other statutory bodies (eg HSE) have the option of taking out an order.
- The Austrian model is a model of best practice. Police can install a barring order on the perpetrator (on the spot) for 10 days. The court then has the option of extending that order for a longer period. Intervention centres are informed within 24 hrs and these centres assist the victim.
- Judges need to ensure that names are not published in the media (they have the ability to do so in other cases, such as sexual violence). This should particularly be the case in breaches of orders in rural areas – with local town local paper. Victims don't want this reported.
- There is a need to strengthen links between the Courts and Gardaí, especially regarding the serving and enforcement of court orders.
- It is important to ensure that the order is enforced and breaches need to be dealt with. Stalking needs to be tackled regardless of whether or not there is an order in place.
- There is some vagueness about what happens if orders are breached.
- Research is required on the various orders and should be collected.
- Occasionally, in domestic violence order cases, there can be difficulties if sexual violence is raised in the court. Judges can be uncomfortable in these situations, as sexual violence is a different type of crime. Therefore, it is the case that often sexual violence is not raised by the civil legal aid representative and the victims may not want it raised in the public domain – this is an area that needs addressing.

### **3.2 Perpetrator Programmes**

During the various public consultations there was no consensus reached on whether or not victims should have a role in perpetrator programmes. In some instances, it was an emphatic 'no', while in other cases, it was a qualified 'yes'.

#### ***Qualified yes:***

- It should be optional for the victim.
- Only in domestic violence cases and indirectly, parallel to the programme (eg. through the support services).
- If extended to sexual violence cases, must be optional for victim.

- Provides an avenue for perpetrators to hear the story of victims, though not the story of their own victims. It is imperative that the victim's voice is heard.
- Need to ensure the impact on the victim is fed into the programme to ensure that the perpetrator can't deceive the programme.
- There is a need for a feedback mechanism between victim and perpetrator.
- Involvement only in instances of court mandated programmes.
- If the victim is involved in perpetrator treatment, there is a need to ensure they are at a remove from direct contact with the perpetrator and that they are not re-victimised. One possibility is the use of audiovisual description by the victim of the impact on them for the education of perpetrators – therefore the victim is kept at a remove.
- There should be a victims' support group as well as a perpetrator group and the victims' group should feed into the latter – for example, as happens in a Northern Ireland programme.

### *No*

- The involvement of the victim in programmes may confuse the different roles, is not appropriate, and may increase the vulnerability of the victim.
- Victim may be re-victimised.

More generally, on perpetrator programmes, a number of views were expressed:

- Programmes can be very hard to access.
- Training is needed for facilitators.
- Perpetrator programmes should be run by probation officers or Gardaí, rather than counsellors, because with the latter there is a risk that they evolve into therapy sessions. On the other hand, it was suggested that there is a need for therapeutic and education-based programmes, with complementary services for victims.
- There is a lack of variety and/or skills in treatments available – there need to be more programmes, greater choice in programmes, and more individual / one-to-one programmes as opposed to group programmes.

### *Oversight*

- There should be ongoing evaluation and oversight of the perpetrator's progress throughout the programme, including attendance, and this should be relayed to the victim for reassurance.
- There is a need for qualified/skilled staff and proper guidelines, with agency coordination to safeguard the security of the victim. The victim should be able to report back into the system that the perpetrator is not improving.
- There should be co-ordination with the court system throughout the perpetrator programme (it is court-mandated after-all) and criminal justice sanctions for non-compliance by perpetrators.
- Risk needs to be monitored and to see if it is being reduced – this reassures the victim.
- There should be a comprehensive evaluation of the perpetrator following completion of a perpetrator programme.

- The 'Duluth model' should be used as a grounding – for example, the person has left the programme and is not co-operating etc.
- The Probation Service should link in with the victim and their needs in relation to the offender.
- In terms of priorities, offenders being released too early and the related safety issues should be accorded a high priority status. Risk assessment is required pre and post treatment.
- The geographical movement of re-offenders should be better monitored.

## 4. PROTECTION OF VICTIMS

Discussion on this theme was guided by the question: *What extra supports are necessary to maximise the possible protection for the victim in the community?*

### 4.1 Garda Síochána

- The Garda Síochána have a hugely important role to play given they are grounded in communities across the country and available 24 hours a day, 7 days a week. In many cases, Gardaí are the only refuge for many women.

That said, they should be:

- Quicker in responding to domestic and sexual violence cases;
  - Until there is proof to the contrary, those coming forward must be believed.
- More sensitive and understanding of these issues and victims;
- Follow-up on possible cases (perception of such crimes can be low at present) and routine enquiries would detect problems earlier;
  - Ask victims if they want the Garda to call a service on their behalf.
  - Gardaí should have an individual card/letter with their own name, collar number and contact details, which can be handed to victims of all crimes and space for writing contact numbers for relevant support services.
- Passing on details of support services;
  - A coherent and comprehensive booklet (credit card sized when folded) on all services and options available (inc orders) which can be handed over but also explained by the Garda.
- Consistent in their approach to these cases, so that responsiveness is not dependent on individual Garda stations or personalities.
  
- In addition, each station should have a standardised approach and all stations should have a 'point person' who is contactable at all times.
- Gardaí should be provided with the legislative power to detain perpetrators overnight, especially to create an important 'breathing space' between perpetrator and victim.
- There should be greater Garda and support service collaboration.
- There is some work to do on flagging and monitoring domestic violence cases/instances etc. With the present reporting system, it should not allow you to log off without answering set questions to ensure good monitoring of information.
- Accurate statistics can be difficult to collate because some domestic violence cases are entered as 'assault' and if you have 230 cases per annum, one can't distinguish if cases are individual or multiple from the same house – therefore there is a need for a new coding system. Also, in a case of murder, how can it be established if it is also a case of domestic violence and will it ever be known? There is a difficulty of criteria-setting and following – a good example is possibly that used by the London Metropolitan Police Force.
- The implementation/interpretation of the power of arrest is an issue; the policy is clear but different Gardaí and different personalities lead to inconsistency.

- Where allegations of violence are outlined, there is a need for speedy information so the court can act quickly, and so that the case is not dragged out in which time more abuse may occur.
- The question of whether or not sexual violence accompanied the domestic violence should be asked in the first instance and the victim should be made aware that it's a criminal issue and needs to be pursued with the Gardaí. It cannot be left unasked because of the high probability of both.

#### *Best Policing Practice Internationally*

- In Australia, police have a consent form which can be signed by the victim to allow them to inform the appropriate support services on the victim's behalf. The police gather important but sensitive information, such as the safe time to call etc.
- There is a good working model in the United Kingdom, whereby police can charge perpetrators on the spot.
- In the UK and US, there are examples of the practical following-up of cases by community safety officers who will follow the case from initial reporting to court. There is a real need for a similar support system in office/behind the scenes for under pressure Gardaí on the street.

#### **4.2 Ensuring Safety and Independence of Victims**

- The accused perpetrator should be removed immediately to create a 'breathing space' between them and the victim.
- It is important that a safety plan is put in place for all that may arise for the victim, including counselling support for the victim and secondary victim/s (eg kids), and transition assistance with changing names on bills for example. A key liaison worker should be assigned this task and this protection should extend until the end of the court process.
- Access orders should be linked to risk assessments.
- It could be said that the protection of victims is obviously inadequate at present as victims, in the vast majority of cases, have to leave the family home, whereas it should be the perpetrator who has to do so.
- It should be more than acceptable for the woman to remain in the home.
- If she has to leave the home first, she will have to be believed, and needs a safe place to go. She needs a 'weekend bag' (with some money etc)
- Women should be better informed of their rights and the options available for them to remain independent.
- Maintenance can be a problem - when it is not paid, there is little recourse, despite the fact that these families find themselves in dire straits. This has to be addressed or else women have to sell their homes.
- There should be One Stop Shop for supports including training to help women get back into the workplace. Housing is important but so is finance – how can people finance the move away from the perpetrator? Action is required related to this and there is a role for the Department of Social and Family Affairs in employment assistance etc.

- In the case of civil separation cases involving domestic violence, a trained court appointed mediator should work to complete the process within 24 months of the first registration – therefore the victim is not waiting years.

#### **4.3 Role of the Community**

- The community cannot condone the actions of the perpetrator and ‘collude’ in silence - It has an important role in protecting the victim.
- There is a certain fear factor at present, which inhibits people in speaking out about known domestic violence in the area or in a local family. A sense of shame can be a big stumbling block, as can a religious ethos in the area – leads to community silence. There is a perception that silence is protecting the family when it is not, and women who choose to leave the home are shunned.
- Therefore, there needs to be increased awareness and involvement of the community, talking more openly about instances of violence in the community.
- The message to communities has to be focused upon acknowledging the risk to the whole community and that this behaviour is “not on”.
  - Everyone has a responsibility to combat the crime.
  - “What to do if you suspect” – steps and awareness raising.
  - It is the responsibility of society to encourage the victim to stay at home, and in doing so, ensuring the accountability of the perpetrator.
  - In the past, there have been community responses to assist victims – these life stories can be told in modern times to raise the profile, sense of community support.
  - Those in contact with a victim need to listen and believe the victim and refer them to supports.
- There should be training for Community Officers.
- Local schools, colleges, youth organisations need to get involved.
- Outreach services, including GPs, need to be involved but discreetly.
- Neighbourhood watch should include domestic and sexual violence.
- Many women will go firstly to a priest as well as Garda or solicitor. Are the clergy sufficiently knowledgeable of DV/SV issues?
- Support Services/GAA/ICWA (Women)/Radio/National Parents Council all have a role in spreading the message. Maybe there is a role in those experienced in the area of sexual and domestic violence making presentations to these groups. There is possibly extra weight/significance in having a local Garda/senior social worker doing so.
- Gardaí often do not have the resources to enforce barring and protection orders. But the onus should not be on the woman to do so. Perhaps there’s a role for the community.
- In the case of rural victims, it is almost impossible for them to stay in the home because the farm has to be looked after. The extended family and friends are very important in these instances (as in others) and they need to be encouraged to act as support networks.
- What is a community? – some research would be worthwhile on the dynamics of communities – for example, family relationships and how it’s replicated in the community.

## 5. EFFECTIVE ACTION

Discussion on this theme was guided by the question: What are the challenges to inter-agency working and what measures could help overcome some of the difficulties?

### 5.1 Cosc & National Strategy

In some instances, questions were raised by participants about the role of Cosc and a new National Strategy:

- How will Cosc as an agency and ‘another’ strategy add value? There have been reports and strategies before, which have not been fully implemented, and to what extent is Cosc and a new Strategy ‘re-inventing the wheel’?
- How will Cosc and a new strategy, in terms of micro issues, feed into a standardised approach from government?
- How will Cosc ensure that the strategy is implemented, particularly the fiscal implications that will arise in the context of the current economic and fiscal climate. However, it was also pointed out that some actions do not have cost implications; some involve better and more effective ways of working and will require a change of direction, while others may well require extra funding.

The question was raised at the sessions as to whether or not there are important areas missing in the written submissions:

- There must be a clearly defined and agreed national definition of what constitutes domestic and sexual violence.
- There is no mention of:
  - The constitutional referendum on children.
  - The trafficking of persons for forced prostitution.
  - Female genital mutilation
  - Crisis pregnancy.
- Cosc is possibly too narrowly focused on domestic violence and not enough on sexual violence – it seems a little sidelined.
- Cosc publications use the term ‘victims’, which is a negative term. A different, more positive word should be used to help empower those who are suffering/have suffered (eg. ‘Survivors’).
- Similarly, the choice of wording around ‘violence’ or ‘abuse’ should be decided upon carefully.
- The strategy should have an all-island dimension given the reality that victims are not bound by borders. It should incorporate service provision and relevant legal issues and consider the existing Northern Ireland policy framework.
- The strategy should also appreciate regional differences and also the differences between rural and urban areas.
- There wasn’t an agreed consensus on whether or not the strategy should be gender specific: one view was that the strategy should not focus on men as perpetrators;

- while another view was that it should be ‘gender perspective’ (for example, taking into account women’s position in society).
- The role of pornography must be highlighted and defined as violence against women. There is strong evidence that it’s a causal factor in domestic and sexual violence and Cosc could take this issue on board. Some boys grow up with pornography as their only form of sex education.

Other suggestions and comments on the Strategy and role of Cosc:

- Change must come from the top-down so Cosc can play an important part.
- It is positive to see all of the issues put together in one document – a co-ordinated document for a co-ordinated approach to the issues. It gives great hope that progress can be made.
- Nonetheless, it would be preferable not to see a lengthy and dense strategy in a year’s time. A focused report with clear actions and funding requirements would be more helpful.
- Language is extremely important given the complexity and enormity of the issues. The language must be tailored to ensure people and stakeholders engage rather than ‘go hiding’ on the issues. Many, many groups need to buy-into the strategy.
- Cosc should map all existing government policies relevant to this area and linkages to international strategies, such as those produced by the United Nations.
- There is a need to be sure that information feeding into policy is not just quantitative but also qualitative.
- It is appreciated that Cosc wants to incorporate best practice internationally (ie evidence based responses). It is important to keep doing this as some submissions don’t reflect what works best. For example, mandatory counselling for couples in domestic violence cases, which experience shows is dangerous.
- The progress of the proposed national strategy must be properly monitored and evaluated by Cosc.
- NGOs and front line service providers must be involved in the process and not left aside post-strategy.
- DV/SV cases often thought of at the high-risk end of spectrum but there is a need to intervene lower down the chain before it becomes a problem.

## **5.2 Inter-Agency Co-Operation**

- There is a need for a clear and agreed definition of inter-agency co-operation and service provision, which should bear in mind that civil society (including outreach services, for example) is often left out.
- All existing providers and agencies should be identified, reviewed, evaluated and a profile produced. There are genuine difficulties caused by virtue of the fact that these issues require a multi-agency response.
- There is a need to ensure a coherent national approach in various national strategies (e.g. homelessness strategy may take a different approach to the domestic violence strategy). There may be potential conflicts between national

- strategies and therefore a need to check to ensure they are compatible – this means some proofing of other policy priorities.
- There should be a priority system in place, as some agencies are too slow to respond to these issues.
  - The strategy is key in bringing about a standardised approach to service provision.
  - Greater inter-agency co-operation is required with regular meetings and sharing of best practice.
  - There could be a possible network of local inter-agency committees around the country, which could be overseen by Cosc (ie Cosc as a forum for inter-agency co-operation and meetings).
  - There is a problem of continuity of service when staff leave jobs within agencies. Service should not be dependent on personalities.
  - Funding and resource shortages cause difficulty for effective action, including cross-governmental action.
  - We should examine and utilise best practice in inter-agency working from overseas.
  - There is an absence of a single national contact/liaison point. There is a national Garda Liaison Officer for Gay and Lesbian issues. This should be the case also for domestic and sexual violence.
  - There needs to be authoritative leadership on the issue.
  - It is encouraging to see the wide breath of organisations on board – eg local and regional committees and at national level, the Departments of Justice, Equality and Law Reform and Environment, Heritage and Local Government. It should be borne in mind that local/regional social worker groups and housing officer groups can be linked in without formally joining regional structures.
  - Regional Committees – the size of these committees may need to be reviewed if they are found not to be working. They are important for ground up and top down information flows. Local area networks feed into the regional.
  - The disbandment of regional committees is a potential source of concern – some organisations are not part of local / regional networks and therefore cannot feed in through the national fora. Though it was emphasised on a number of occasions that any organisation or individual is welcome to contact Cosc directly.

## **NEXT STEPS**

The next stage in the development of the National Strategy will be consultation with State agencies regarding the issues and actions identified in the public consultation and earlier stages. This will be followed by a first draft of the strategy in mid 2009, after which there will be:

- Further dialogue with the relevant partners, both State and non-State, of the actions to be undertaken to fulfill the outline objectives;
- Agreement of the final draft;
- Submission of the final draft to the Minister for approval to submit to Government for consideration and approval;
- Publication of the strategy; and
- Implementation of the strategy.